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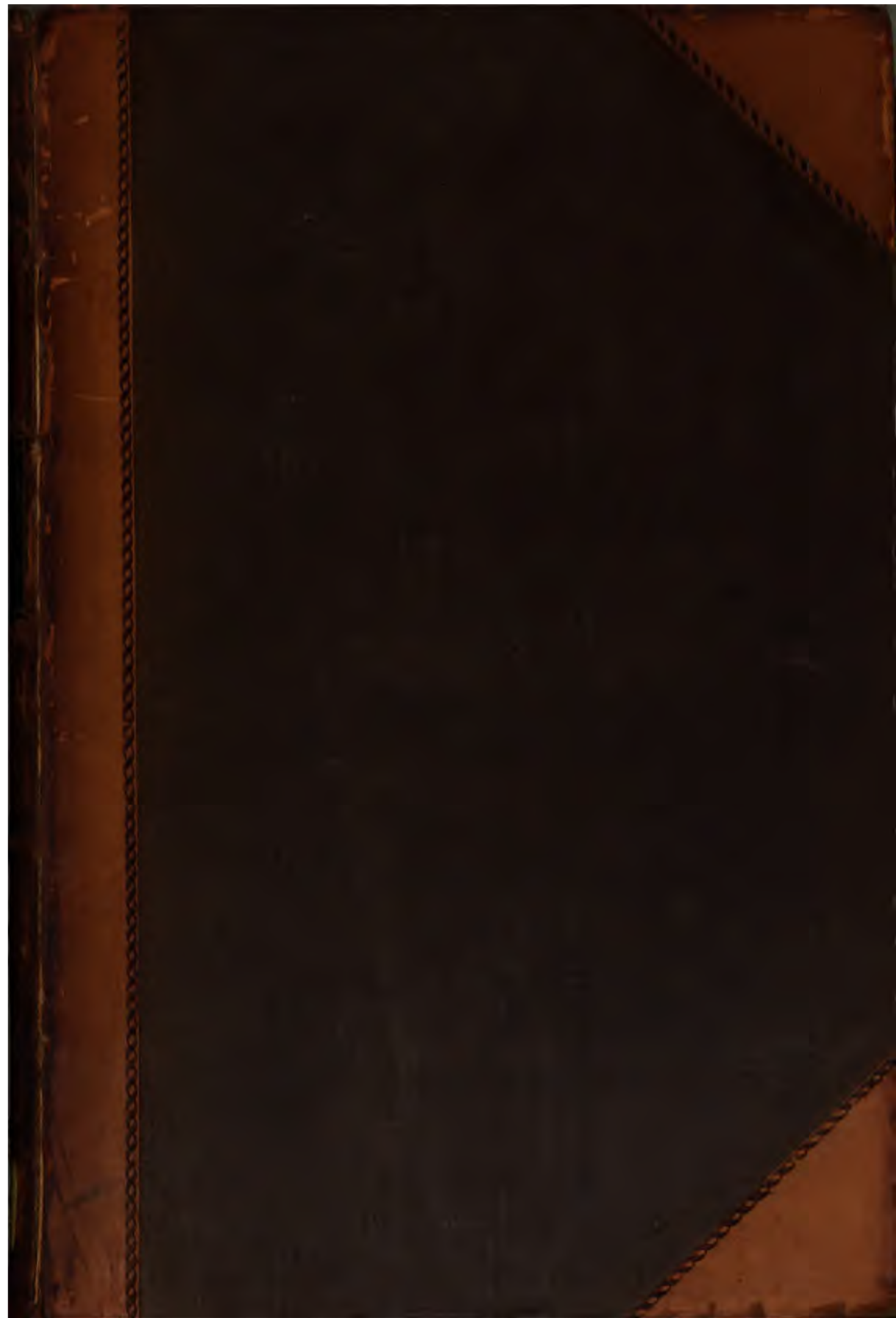
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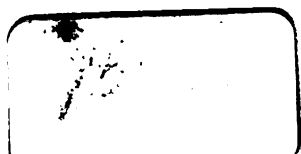
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THE  
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VOL. XVII.—PART II.

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CONTAINING

ORIGINAL ARTICLES ON LEGAL SUBJECTS,  
ALL IMPORTANT STATUTES,  
**THE** RULES AND ORDERS OF THE VARIOUS COURTS,  
THE GAZETTES, CAUSE LISTS,  
AND MISCELLANEOUS LEGAL INFORMATION,

FOR

**THE YEAR 1853:**

WITH AN

**A L P H A B E T I C A L L I S T O F B A N K R U P T**

AND

INDEX OF PRINCIPAL MATTERS.

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S. SWEET, CHANCERY LANE;  
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1854.





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# The Jurist

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JAN. 15, 1853.

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LONDON, JANUARY 15, 1853.

In a former number of *THE JURIST*, when the Chancery Improvement Act had just been passed, we discussed the clauses relating to the oral examination of witnesses, and suggested that the cross-examination of witnesses, who have made affidavits on interlocutory applications, cannot, under the act, take place in court, but must be conducted before the examiner. The point has been so ruled by Sir R. T. Kindersley, V. C., in *Smith v. The Swansea Dock Company*, (16 Jur., part 1, p. 1130).

This is one of the defects of the act; whether the omission was intentional, or the result of a slip, we have, of course, no information; but that it is a defect is sufficiently obvious—that is, if we are to assume that oral cross-examination of witnesses upon affidavit is at any time valuable; for if it is valuable at the hearing of a cause, what possible distinction can be taken between that and the hearing of a motion, which should make the oral cross-examination of witnesses before the Court in the latter case useless? The distinction which actually exists between an interlocutory application and the hearing of a cause, has, in truth, no bearing whatever upon the mode of taking evidence. It is true, that it has been the old practice, on motions, to take affidavits; while, at the hearing, evidence upon interrogatories only was admissible. But this practice grew rather out of the necessity of admitting the more rapid process by affidavit for motions, if motions were to be heard at all, than out of any peculiarity in motions, as substantially distinguished from the hearing. And since it has been determined by the Legislature that affidavits may be used at the hearing as well as on motions, so far assimilating interlocutory and final hearing, it seems quite idle to say that a particular mode of cross-examining witnesses is good at the hearing, and is not good on motion.

The use of an interlocutory application, it should be recollected, is very often, not merely to obtain for the

applicant the immediate relief that he seeks, but, in effect, to determine the cause—that is, by obtaining the opinion of the Court on the point affecting the immediate relief, to make all further proceedings useless. It is on this ground, if on no other, of the highest importance that every means should be provided for making the investigation and determination of interlocutory applications as complete and accurate as possible, since thereby often a prolonged litigation may be prevented.

We come, then, to the material point, whether it is not much better that the cross-examination of a witness should take place before the judge who is to hear the matter in which he has been examined in chief, than before an official person, not a judge, who is merely to take down his evidence, without its being necessary that he should form any idea of the merits of the case on which the evidence bears. The arguments in favour of this mode of proceeding have been so often discussed and urged, that we shall not trouble our readers with a recapitulation of them. We shall content ourselves with asserting broadly and positively, that if, on motions, the witnesses are to be cross-examined, it would be infinitely to the advantage of truth that they should be so examined while the motion is going on, and in the presence of the judge who hears it.

Further: while this cannot be done, it is a farce to talk, in practice, of oral cross-examination of the witnesses on a motion—that is, in the largest and most important class of cases, viz. those where immediate damage is apprehended, and a decision must be had quickly, if severe injury is not to be inflicted on one or other of the parties. Fancy, in a case of a motion to restrain a railway company from opening its line, and running its trains in a given manner, or from intersecting a given road, or knocking down a mansion-house—fancy, in such a case, having to serve subpoena on the witnesses, and to wait the turn of the parties to obtain an appointment in the examiner's office, in addition to all other delays, before a decision can be had. The



result would be, that to bring on a motion would take nearly as long as to bring the cause to a hearing; and the very object of a motion, which is to obtain a speedy determination of the preliminary point in dispute, would be wholly defeated. Either the company would have to wait a ruinously long time before exercising its right, or the mischief would be done before the remedy could be applied; and, one way or the other, injustice would be inevitable. In effect, therefore, we say that in the very cases in which it is generally most wanted, oral cross-examination of the witnesses on a motion is impossible, and that so far the act has miscarried.

This is a question quite apart from the larger question, whether the whole system of oral examination before an examiner is not a mistake. In this journal we have before frequently urged, and we again repeat the opinion, that it is a mistake; that the value of oral examination depends mainly upon its being conducted before the tribunal that is to pronounce a decision upon the facts, and at the particular hearing on which the evidence bears; and sooner or later, and we believe rather sooner than later, we have no doubt that the separate oral examination of witnesses before an examiner will be abolished; and that wherever oral examination is used, it will take place before the Court, as already has been done on some occasions, with great success, before the Lords Justices of the Court of Appeal in Chancery.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—It appears from your report of *Pegg v. Wisden* (16 Jur., part 1, p. 1105) that the Master of the Rolls has very lately decided that the act of examining an abstract with the original deeds amounts to an acceptance of title on behalf of a purchaser. If this is to be a rule, the sooner solicitors are made generally acquainted with it the better; for certainly it is an extremely common practice to have an abstract examined with the deeds before it is submitted to counsel, as every conveyancer must be aware. But solicitors, in doing this, have never considered that they had already precluded themselves from making the objections which their counsel might suggest.

Your obedient servant,  
T. S.

[There can be no doubt that, in ordinary cases, the examination of the deeds is not an acceptance of the title. Indeed, it is recommended in the Treatise on Vendors and Purchasers, and by other authorities, that the abstract should be so verified before it is submitted to counsel. The opinion of the Master of the Rolls in *Pegg v. Wisden* must have been founded on all the circumstances of the case taken together, though we confess the foundation does not appear to us sufficient.—ED.]

The Lord Chancellor has appointed Charles N. Wilde, Esq., to be the Registrar in Lunacy.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal of the United Kingdom, appointing the Right Hon. Sir George James Turner, Knt., to be a Judge of the Court of Appeal in Chancery, in the room of the Right Hon. Robert Monsey, Lord Cranworth, resigned.

### WHETHER A MORTGAGE IS JUSTIFIED BY A POWER OF SALE.

(From a Correspondent).

WE think the attention of the Profession should be particularly directed to the decision of Lord St. Leonard's in *Stroughill v. Anstey*, (16 Jur., part 1, p. 671; 1 De G., Mac., & G. 638), as tending to reopen a discussion we thought closed by *Pago v. Adams* and *Forbes v. Peacocke*, as to the liability of persons dealing with trustees to see to the application of the money where there is a general charge of debts. The case was this:—Trustees of a will held the testator's residue, of which certain houses were part, upon trust, at such time or times as to them should seem meet, to sell and convert into money, and to hold the proceeds upon trust to pay the testator's debts, an annuity, and certain legacies; and as to the residue, for A. and B. The will contained a clause in a very extensive form, declaring, not only that certain purchasers, but also that any "person who from time to time should have" any part of the trust monies in their hands, should not be accountable, after payment to the acting trustee or trustees, for the misapplication or non-application thereof, and that every receipt of the acting trustee or trustees should be a sufficient discharge for every sum therein acknowledged. A. was one of the trustees as well as one of the persons interested in the residue, and he and his co-trustee, sixteen years after the death of the testator, raised 2800*l.* by deposit of the title deeds of part of the unsold property and an agreement for mortgage, and both the trustees entered into a personal undertaking to repay the sum so raised. The co-trustee misapplied the funds, and Lord St. Leonard's held that the mortgage could not be enforced against the cestui que trust, as not being within the power of sale, and decreed a delivery up of the title deeds—reversing the decision of Sir J. L. Knight Bruce, V. C., who had made a decree for payment or sale of the mortgaged premises.

This case has all the appearance of a careful decision by Lord St. Leonard's, who referred to and commented on the authorities in his judgment, and without a rehearing or an appeal to the Lords, it must be taken to be law. Therefore the efficacy of a receipt clause to persons dealing with trustees, and the doctrine that a mortgage is a sale pro tanto, must be considered as very much narrowed, as well as the doctrine that a general charge of debts exempts a purchaser or mortgagee from making inquiries. There was in *Stroughill v. Anstey* a general charge of debts, a discretionary power of sale, and a clause to exonerate all persons paying money from seeing to the application; and yet a mortgagee was held not safe, and lost 2800*l.*, advanced to the trustees.

It seems at first sight difficult to contend, that raising money on mortgage is not a due execution of a power to "convert into money;" but the narrow point strictly decided by *Stroughill v. Anstey* is, that a mortgage is not a due execution of a power to sell and convert into money. However, the principle on which Lord St. Leonard's put his judgment is, that persons dealing with trustees, raising money after a considerable lapse of time, are bound to inquire and see that no breach of trust is being committed; and though he professes to consider this as not tending to lessen the security of purchasers and mortgagees, it certainly tends to unsettle the principles on which their advisers can transact their business. What amount of inquiry is to be necessary? What evidence of that inquiry is to be preserved? If each case is to stand on its own peculiarities, we are then entirely at sea, and possibly no two legal advisers could be got to agree as to what amount of inquiry will render a purchaser or mortgagee safe.

Again: what time is to be deemed considerable? In *Stroughill v. Anstey* the time was only sixteen years, but in *Forbes v. Peacocke* the time was twenty-seven years, and the Court there refused to permit a purchaser to inquire whether all the debts had been paid. In fact, it seems very difficult to consider *Stroughill v. Anstey* except as overruling *Forbes v. Peacocke*, and as restoring what Lord St. Leonard's calls "the opinion of the Profession prior to that case." We should be glad to hear that *Stroughill v. Anstey* was to be reheard before the full Court of Appeal; but we have done our duty by calling the attention of legal advisers and practitioners very particularly to the question, as of the utmost importance, practically, in all cases of sales or mortgages by the trustees of a will, notwithstanding a clause to exonerate persons taking receipts from liability for non-application.

### REGULA GENERALIS.

#### ORDER OF COURT.—Dec. 24, 1852.

The Right Honourable EDWARD BURTENSHAW Lord ST. LEONARD'S, Lord High Chancellor of Great Britain, doth hereby order and direct in manner following, that is to say—

I. When any of the Masters in Ordinary shall request the opinion of any of the conveyancing counsel, nominated by the Lord Chancellor under the 15 & 16 Vict. c. 80, s. 41, to be taken upon any matter depending before such Master, such business is to be laid before the conveyancing counsel in rotation, to be ascertained in the manner prescribed by the General Orders of the 16th day of December, 1852; and a memorandum or minute of every such request is to be prepared by the Master's chief clerk, and signed by him, and such memorandum or minute, when marked with the name of the conveyancing counsel in rotation, shall be a sufficient authority for such counsel to proceed with such business; and if the conveyancing counsel in rotation shall be unable or decline to proceed therewith, the same shall be offered to the other conveyancing counsel, nominated as aforesaid, successively, according to their seniority at the Bar, until some one of them shall accept the same.

II. Where, under a decree or order of the Court, whether already made or hereafter to be made, any estate or interest shall be put up for sale with the approbation of one of the Masters in Ordinary, an abstract of the title to such estate or interest is, upon the request of the Master, to be laid before the conveyancing counsel in rotation, for the opinion of such counsel thereon, to the intent that the said Master may be the better enabled to give such directions as may be necessary respecting the conditions of sale of such estate or interest.

III. Notwithstanding the preceding Orders, the Master is to be at liberty to request the opinion of any one in particular of the said conveyancing counsel to be taken upon any matter before such Master, where the circumstances of the case may render it expedient to do so.

(Signed) ST. LEONARD'S, C.

The Queen has also been pleased to direct letters-patent to be passed under the Great Seal of the United Kingdom, granting the office of a Vice-Chancellor unto Sir William Page Wood, Knt., in the room of the Right Hon. Sir George James Turner, Knt., resigned.

### Court Papers.

#### EQUITY SITTINGS, HILARY TERM, 1853.

##### Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Tuesday	.... Jan. 11	Appeal Motions.
Wednesday	.... 12	Petition-day.
Thursday	.... 13	
Friday	.... 14	
Saturday	.... 15	Appeals.
Monday	.... 17	
Tuesday	.... 18	
Wednesday	.... 19	
Thursday	.... 20	Appeal Motions.
Friday	.... 21	Petition-day.
Saturday	.... 22	
Monday	.... 24	Appeals.
Tuesday	.... 25	
Wednesday	.... 26	
Thursday	.... 27	Appeal Motions.
Friday	.... 28	Petition-day.
Saturday	.... 29	Appeals.
Monday	.... 31	Appeal Motions.

Before the LORDS JUSTICES, at Lincoln's Inn.

Tuesday	.... Jan. 11	Appeal Motions.
Wednesday	.... 12	Appeals.
Thursday	.... 13	
Friday	.... 14	Petitions in Lunacy, Bankruptcy, and Appeal Petitions.
Saturday	.... 15	
Monday	.... 17	Appeals.
Tuesday	.... 18	
Wednesday	.... 19	Petitions in Lunacy, Bankruptcy, and Appeal Petitions.
Thursday	.... 20	Appeal Motions.
Friday	.... 21	
Saturday	.... 22	Appeals.
Monday	.... 24	
Tuesday	.... 25	
Wednesday	.... 26	Petitions in Lunacy, Bankruptcy, and Appeal Petitions.
Thursday	.... 27	Appeal Motions.
Friday	.... 28	Appeals.
Saturday	.... 29	
Monday	.... 31	Appeal Motions.

##### Rolls Court.

Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.

Tuesday	.... Jan. 11	Motions.
Wednesday	.... 12	Petitions in the General Paper.
Thursday	.... 13	
Friday	.... 14	
Saturday	.... 15	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday	.... 17	
Tuesday	.... 18	
Wednesday	.... 19	
Thursday	.... 20	Motions.
Friday	.... 21	
Saturday	.... 22	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday	.... 24	
Tuesday	.... 25	
Wednesday	.... 26	
Thursday	.... 27	Motions.
Friday	.... 28	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday	.... 29	Petitions in General Paper.
Monday	.... 31	Motions.

Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday, at the sitting of the Court.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

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LONDON

**Vice-Chancellors' Courts.**

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Lincoln's Inn.*

Tuesday .... Jan. 11	Motions and seven adjourned Petitions.
Wednesday ..... 12	(Petition-day).—Petitions (unopposed first).
Thursday ..... 13	Pleas, Demurrers, Exceptions, Claims,
Friday ..... 14	Causes, and Further Directions.
Saturday ..... 15	Short Causes, Short Claims, & Causes.
Monday ..... 17	Pleas, Demurrers, Exceptions, Claims,
Tuesday ..... 18	Causes, and Further Directions.
Wednesday ..... 19	Motions.
Thursday ..... 20	(Petition-day).—Petitions (unopposed first).
Friday ..... 21	Short Causes, Short Claims, & Causes.
Saturday ..... 22	Pleas, Demurrers, Exceptions, Claims,
Monday ..... 24	Causes, and Further Directions.
Tuesday ..... 25	Motions.
Wednesday ..... 26	(Petition-day).—Petitions (unopposed first).
Thursday ..... 27	Short Causes, Short Claims, & Causes.
Friday ..... 28	Motions.
Saturday ..... 29	(Petition-day).—Petitions (unopposed first).
Monday ..... 31	Short Causes, Short Claims, & Causes.

N. B.—Unopposed Petitions, (not exceeding ten), at the sitting of the Court, every day (except Seal Day).

*Before Vice-Chancellor STUART, at Lincoln's Inn.*

Tuesday .... Jan. 11	Motions.
Wednesday ..... 12	Short Causes, Short Claims, Pleas, Demurrers, Causes, Exceptions, and Further Directions.
Thursday ..... 13	Pleas, Demurrers, Exceptions, Claims, Causes, and Further Directions.
Friday ..... 14	Petitions (unopposed first).
Saturday ..... 15	Pleas, Demurrers, Exceptions, Claims, Causes, and Further Directions.
Monday ..... 17	Short Causes, Short Claims, & Causes.
Tuesday ..... 18	Motions.
Wednesday ..... 19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday ..... 20	Petitions (unopposed first).
Friday ..... 21	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday ..... 22	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday ..... 24	Short Causes, Short Claims, & Causes.
Tuesday ..... 25	Motions.
Wednesday ..... 26	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday ..... 27	Petitions (unopposed first).
Friday ..... 28	Motions.
Saturday ..... 29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday ..... 31	Motions.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Tuesday .... Jan. 11	Motions and Claims.
Wednesday ..... 12	(Petition-day).—Petitions (unopposed first) and Causes.
Thursday ..... 13	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday ..... 14	Short Causes, Short Claims, Claims, and Causes.
Saturday ..... 15	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday ..... 17	Motions and Claims.
Tuesday ..... 18	Unopposed Petitions, Short Causes, Short Claims, Claims, and Causes.
Wednesday ..... 19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday ..... 20	Motions and Claims.
Friday ..... 21	(Petition-day).—Petitions, Short Causes, Short Claims, Claims, and Causes.
Saturday ..... 22	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday ..... 24	Motions and Claims.
Tuesday ..... 25	Unopposed Petitions, Short Causes, Short Claims, Claims, and Causes.
Wednesday ..... 26	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday ..... 27	Motions and Claims.
Friday ..... 28	(Petition-day).—Petitions, Short Causes, Short Claims, Claims, and Causes.
Saturday ..... 29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday ..... 31	Motions and Ditto.

**EQUITY CAUSE LISTS, HILARY TERM, 1853.**

\*. The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

**Court of Chancery.**

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Swift v. Grazebrook (Ap by order)	Eddleston v. Collins (Ap)
M'Intosh v. Great Western Railway Co. (Ap)	Rawlins v. Daylish (Ap on Cl)
Thornton v. Court (Ap)	Morgan v. Millman (Ap)
	Pearce v. Watkins (Ap)
	Evans v. Evans (Ap)

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Lincoln's Inn.*

Williams v. Williams (E to answer)	Duke of Beaufort v. Patrick
Pinkerton v. Andrew (3 cau., Ptn, part heard)	Creswell v. Gaskell
Turner v. Nicholls (F D, C)	Horner v. Horner (F D, C)
Same v. Same (2 cau., pt hd. C)	Johnstone v. Ure (E, F D, C)
Hanson v. Hartley (Cl)	Dickenson v. Wolferston (F D, C)
Evans v. Saunders (Sp. case)	Monk v. Cartwright (Cl)
Moorley v. Jenkins	Williams v. Lomax (Cl)
Barratt v. M'Dermot (Cau.)	Vigurs v. Vigurs (F D, C)
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Wood v. Sutcliffe	Miller v. Huddleston (F D, C)
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Patrick v. Walker (P C)	Rutherford v. Knight (Cl)
Russell v. Walker (Cl)	Jopling v. Watson (Cl)
Ellison v. Hector (3 causes)	Micklethwait v. Micklethwaite
Widdicombe v. Muller (Cl)	M'Leod v. Annesley
Menlove v. Carter (E)	Barlow v. Barlow (F D, C)
Crouch v. Bonney	Gray v. Gray (6 cau., F D, C)
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Lane v. Horlock	Thomas v. Davis
Whitbread v. Smith	Preston v. Liverpool and Manchester Junction Railway Co.
London and South-western Railway Co. v. Barwick (Cl)	Illingworth v. Maund (Cl)
Pattenden v. Hobson (F D, C)	Leonard v. Ord (F D, C)
Evans v. Evans (F D, C)	Bennett v. Stone (Cl)
Fry v. Watson (Cl)	Beale v. Symonds (F D, C)
Watson v. Goring (F D, C)	Tyrell v. Preston
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# RULES OF PRACTICE OF THE COURTS OF QUEEN'S BENCH, COMMON PLEAS, AND EXCHEQUER OF PLEAS.—HILARY TERM, 1853.

THE New Rules of Practice of the Common-law Courts, which were promulgated and came into operation on the first day of the present Term, are so extremely important that we have thought it advisable to publish them in our present number. For the purpose of reference, we have compiled an alphabetical index of the chief subjects to which they relate, and have given the numbers of the rules after the titles. We have considered it advisable to retain many of the words italicised, as they appeared in the first copy of the rules.

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### Hilary Term, 1853.

1a. Whereas the practice of the Courts of Queen's Bench, Common Pleas, and Exchequer, in civil actions, in respect of which the said Courts possess a common jurisdiction, has been to a great extent superseded or altered by the Common-law Procedure Act, 1852, and it is expedient that the written rules of practice of the said Courts should be consolidated and rendered uniform: it is ordered that all existing rules of practice in any of the said courts in regard to such civil actions, *save and except as regards any step or proceeding heretofore taken*, shall be and the same are hereby *annulled*, and that the practice to be observed in the said courts with respect to the matters hereafter mentioned shall be as follows; that is to say—

#### WRIT OF SUMMONS.

1. When a writ of summons is indorsed in the special form mentioned in sect. 27 of the Common-law Procedure Act, 1852, the following are the amounts which may be indorsed by the plaintiff's attorney or agent upon the writ for costs, and to include mileage:—

In actions above 20*l*.

In town causes, 3*l*. 8*s*.; in country or agency cases, (including mileage), 4*l*.

In actions under 20*l*.

In town causes, 2*l*. 14*s*.; in country or agency cases, (including mileage), 3*l*. 2*s*.

Where the plaintiff's attorney, at the time of issuing the writ, claims more than the sums fixed as above, the indorsement on the writ of summons in respect of costs shall be as follows:—"Such sum as shall be allowed on taxation for costs." And in case the plaintiff shall be found not entitled to more costs than such fixed sums, or if more than one-sixth shall be disallowed, the plaintiff's attorney shall pay the costs of taxation. So, if the attorney has indorsed on the writ one of the fixed sums for the costs of judgment, and claims more costs on signing judgment, and, on taxation, shall be found not entitled to more than such sum, or if more than one-sixth be taken off on taxation, the plaintiff's attorney shall in like manner pay the costs of taxation.

#### APPEARANCE.

2. If two or more defendants in the same action shall appear by the same attorney, and at the same time, the names of all the defendants so appearing shall be inserted in one appearance.

#### ATTORNEY AND GUARDIAN.

3. An attorney not entering an appearance in pursuance of his undertaking shall be liable to an attachment.

4. No attorney shall be changed without the order of a judge.

5. A special admission of prochein amy, or guardian, to prosecute or defend for an infant, shall not be deemed an authority to prosecute or defend in any but the particular action or actions specified.

#### JOINDER OF PARTIES.

6. Whenever a plaintiff shall amend the writ after notice by the defendant, or a plea in abatement of a non-joinder by virtue of the Common-law Procedure Act, 1852, s. 36, he shall file a consent in writing of the party or parties whose name or names are to be added, together with an affidavit of the handwriting, and give notice thereof to the defendant, unless the filing of such consent be dispensed with by order of the court or a judge.

#### PLEADINGS.

7. No side-bar rule for time to declare shall be granted.

8. The defendant shall not be at liberty to waive his plea, or enter a *relicta verifications* after a demurrer, without leave of the court or a judge, unless by consent of the plaintiff or his attorney.

9. In case the time for pleading to any declaration, or for answering any pleadings, shall not have expired before the 10th day of August in any year, the party called upon to plead, reply, &c. shall have the same number of days for that purpose, after the 24th day of October, as if the declaration or preceding pleading had been delivered or filed on the 24th of October.

10. Where a defendant shall plead a plea of judgment recovered, he shall in the margin of such plea state the date of such judgment, and if such judgment shall be in a court of record, the number of the roll on which such proceedings are entered, if any; and, in default of his so doing, the plaintiff shall be at liberty to sign judgment as for want of a plea; and in case the same be falsely stated by the defendant, the plaintiff, on producing a certificate from the proper officer or person having the custody of the records or proceedings of the court where such judgment is alleged to have been recovered, that there is no such record or entry of a judgment as therein stated, shall be at liberty to sign judgment as for want of a plea.

#### PAYMENT OF MONEY INTO COURT.

11. No affidavit shall be necessary to verify the plaintiff's signature to the written authority to his attorney to take money out of court, unless specially required by the Master.

12. When money is paid into court in respect of any particular sum or cause of action in the declaration, and the plaintiff accepts the same in satisfaction, the plaintiff, *when the costs of the cause are taxed*, shall be entitled to the costs of the cause, in respect of that part of his claim so satisfied, up to the time the money is so paid in and taken out, whatever may be the result of any issue or issues in respect of other causes of action; and if the defendant succeeds in defeating the residue of the claim, he will be entitled to the costs of the cause in respect of such defence, commencing at "Instructions for Plea," but not before.

13. Where money is paid into court in several actions which are consolidated, and the plaintiff, without taxing costs, proceeds to trial on one and fails, he shall be entitled to costs on the others up to the time of paying money into court.

#### DEMURRER.

14. The party demurring may give a notice to the opposite party to join in demurrer in four days, which notice may be delivered separately or indorsed on the demurrer, otherwise judgment.

15. No motion or rule for a concilium shall be required; but demurrers as well as all special cases, special verdicts, and appeals from county courts, shall be set down for argument in the special paper, at the request of either party, four clear days before the day on which the same are to be argued, and notice thereof shall be given forthwith by such party to the opposite party.

16. Four clear days before the day appointed for ar-



[Here describe the documents, the manner of doing which may be as follows:]

## ORIGINALS.

Description of the Documents.	Date.
Deed of covenant between A. B. and C. D. 1st part, and E. F. 2nd part	1st January, 1848.
Indenture of lease from A. B. to C. D.	1st February, 1848.
Indenture of release between A. B., C. D., 1st part, &c. ....	2nd February, 1848.
Letter—defendant to plaintiff. ....	1st March, 1848.
Policy of insurance on goods by ship Isabella, on voyage from Oporto to London .....	3rd December, 1847.
Memorandum of agreement between C. D., captain of said ship, and E. F.	1st January, 1848.
Bill of exchange for 100 <i>l.</i> , at three months, drawn by A. B. on and accepted by C. D., indorsed by E. F. and G. H. ....	1st May, 1849.

## COPIES.

Description of Documents.	Dates.	Original or Duplicate, served, sent, or delivered, when, how, and by whom.
Register of baptism of A. B., in the parish of X. ....	Jan. 1, 1806.	
Letter—plaintiff to defendant. ....	Feb. 1, 1848..	{ Sent by General Post, Feb. 2, 1848. Served March 2, 1848, on defendant's attorney, by E. F., of —.
Notice to produce papers	March 1, 1848	
Record of a judgment of the Court of Queen's Bench, in an action, <i>J. S. v. J. N.</i> .....	Trinity Term, 10 Vict.	
Letters-patent of King Charles II in the Rolls Chapel .....	Jan. 1, 1680.	

30. In all cases of trials, writs of inquiry, or inquiries of any kind, either party may call on the other party, by notice, to admit documents in the manner provided by and subject to the provisions of the Common-law Procedure Act, 1852; and in case of the refusal or neglect to admit after such notice given, the costs of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial or inquisition the judge or presiding officer shall certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except in cases where the omission to give the notice is, in the opinion of the Master, a saving of expense.

31. An order upon the lord of a manor to allow the usual limited inspection of the court rolls, on the application of a copyhold tenant, may be absolute in the first instance, upon an affidavit that the copyhold tenant has applied for and been refused inspection.

32. No subpoena for the production of an original record shall be issued unless a rule of court or the order of a judge shall be produced to the officer issuing the same, and filed with him, and unless the writ shall be made conformable to the description of the document mentioned in such rule or order.

33. All depositions of witnesses taken under the order of a judge, rule of court, or writ of commission, shall be

returned to and filed in the office of the Masters of the court in which the action or proceeding is pending.

## TRIAL—TRIAL BY PROVISIO, INQUIRY, NOTICE OF TRIAL, ETC.

34. Notice of trial or inquiry, and of continuance of trial or inquiry, shall be given in town; but countermand of notice of trial or inquiry may be given either in town or country, unless otherwise ordered by the court or a judge.

35. The expression "short notice of trial," or "short notice of inquiry," shall in all cases be taken to mean four days.

36. Notice of trial or inquiry may be continued to any sitting in or after term, on giving a notice of continuance four days before the time mentioned in the notice of trial or inquiry, unless short notice of trial or inquiry has been given, in which cases two days' previous notice shall be sufficient, unless otherwise ordered by the court or a judge, or by consent.

37. Countermand of notice of inquiry shall be given four days before the day of inquiry mentioned in the notice, unless short notice of inquiry has been given, and then two days before such day, unless otherwise ordered by the court or a judge, or by consent.

38. On a replication or other pleading denying the existence of a record pleaded by the defendant, a rule for the defendant to produce the record shall not be necessary or used, and instead thereof a four days' notice shall be substituted, requiring the defendant to produce the record, otherwise judgment.

39. The costs of the day for not proceeding to trial or to execute a writ of inquiry may be obtained by a side-bar rule, on the usual affidavit.

40. In all cases where the plaintiff's pleading is in denial of the pleading of the defendant, *without joining issue*, the plaintiff's attorney may give notice of trial at the time of delivering his replication or other subsequent pleading; and in case issue shall afterwards be joined, such notice shall be available; but if issue be not joined on such replication or other subsequent pleading, and the plaintiff shall sign judgment for want thereof, and forthwith give notice of executing a writ of inquiry, such notice shall operate from the time that notice of trial was given as aforesaid; and in all cases where the defendant demurs to the plaintiff's declaration, replication, or other subsequent pleading, the defendant's attorney, or the defendant, if he plead in person, shall be obliged to accept notice of executing a writ of inquiry on the back of the joinder in demurrer; and in case the defendant pleads a plea in bar or rejoinder, &c., to which the plaintiff demurs, the defendant's attorney, or the defendant, if he plead in person, shall be obliged to accept notice of executing a writ of inquiry on the back of such demurrer.

41. Notice of a trial at bar shall be given to the Masters of the court before giving notice of trial to the party.

42. No trial by proviso shall be allowed in the same term in which the default of the plaintiff has been made, and no rule for a trial by proviso shall be necessary.

43. All causes to be entered for trial in London and Middlesex shall be entered as follows: that is to say, if notice of trial shall be given for any sitting within term, two days before the day of sitting; and if for a sitting after term, before eight o'clock P. M. of the day before the first day of such sitting; and if the same shall not be so entered for such sittings respectively, a *ne recipiatur* may be entered.

## JURY—SPECIAL JURY—VIEW.

44. No rule for a special jury shall be granted on behalf of any defendant, (or plaintiff in replevin), except on an affidavit, either stating that no notice of trial has been given, or if it has been given, then stating the

day for which such notice has been given; and in the latter case, no such rule is to be granted unless such application is made for it more than six days before that day; provided that a judge may, on summons, order a rule for a special jury to be drawn up at any time.

45. No cause shall be tried by a special jury, in Middlesex or London, unless the rule for such special jury be served, and the cause marked in the Associate's book as a special jury cause, on or before the day preceding the day appointed, in Middlesex and London respectively, for the trial of special juries.

46. There shall be no rule for the sheriff to return a good jury upon a writ of inquiry, but an order shall be made by a judge upon summons for that purpose.

47. Sheriffs, other than the Sheriffs of London and Middlesex, shall, seven days before the commission day, make, and keep at their offices for inspection, a printed copy of the panel of the special jurymen to try the special jury causes at the assizes, as directed by the Common-law Procedure Act, 1852; but such special jury need not be summoned, except notice be given, as provided for by the 112th section of the said act.

48. The rule for a view may, in all cases, be drawn up by the officer of the court, on the application of the party, without a motion for that purpose.

49. Upon any application for a view there shall be an affidavit, stating the place at which the view is to be made, and the distance thereof from the office of the undersheriff, and the sum to be deposited in the hand of the undersheriff shall be 10*l.* in case of a common jury, and 16*l.* in case of a special jury, if such distance do not exceed five miles, and 15*l.* in case of a common jury, and 21*l.* in case of a special jury, if it be above five miles; and if such sum shall be more than sufficient to pay the expenses of the view, the surplus shall forthwith be returned to the attorney of the party who obtained the view; and if such sum shall not be sufficient to pay such expenses, the deficiency shall forthwith be paid by such attorney to the undersheriff. And the undersheriff shall pay, and account for the money so deposited, according to the scale following; that is to say—

	£	s.	d.
For travelling expenses to the undersheriff, showers, and jurymen, expenses actually paid, if reasonable.			
Fee to the undersheriff, when the distance does not exceed five miles from his office .....	1	1	0
Where such distance exceeds five miles.....	2	2	0
And in case he shall be necessarily absent more than one day, then for each day after the first a further fee of .....	1	1	0
Fee to each of the showers the same as the undersheriff, calculating the distance from their respective places of abode.			
Fee to each common jurymen, per diem .....	0	5	0
For each special jurymen, per diem .....	1	1	0
Allowance for refreshment to the undersheriff, showers, and jurymen, whether common or special, each per diem.....	0	5	0
To the bailiff for summoning each jurymen whose residence is not more than five miles distant from the office of the undersheriff...	0	2	6
And to each whose residence does exceed five miles of such distance .....	0	5	0

#### NEW TRIALS, MOTIONS IN ARREST OF JUDGMENT, AND JUDGMENT NON OBSTANTE VEREDICTO.

50. No motion for a new trial, or to enter verdict or nonsuit, motion in arrest of judgment, or for judgment non obstante veredicto, shall be allowed after the expiration of four days from the day of trial, nor in any case after the expiration of the term, if the cause be tried in or after the expiration of the first four days of the

ensuing term when the cause is tried out of term, unless entered in a list of postponed motions by leave of the Court.

51. No suitor who appears in person shall be at liberty to set down any motion in such list of postponed motions, without the express leave of the Court.

52. No affidavit shall be used in support of a motion for a new trial in any case, unless such affidavit shall have been made within the time limited for the making such motion, without the special permission of the Court for that purpose.

53. If such motion as above mentioned be entered in such list of postponed motions, or if such motion be postponed by leave of the Court in the case of a cause tried in term, the attorney who has instructed counsel to make the motion shall give notice of it to the attorney of the opposite party, otherwise judgment signed on behalf of the opposite party shall be deemed regular, and every suitor who appears in person shall give a similar notice.

54. If a new trial be granted without any mention of costs in the rule, the costs of the first trial shall not be allowed to the successful party, though he succeed on the second.

#### JUDGMENT.

55. No rule for judgment shall be necessary; and after the return of a writ of inquiry, judgment may be signed at the expiration of four days from such return.

56. All judgments, whether interlocutory or final, shall be entered of record of the day of the month and year, whether in term or vacation, when signed, and shall not have relation to any other day; but it shall be competent for the court or a judge to order a judgment to be entered *nunc pro tunc*.

57. When a plaintiff or defendant has obtained a verdict in term, or in case a plaintiff has been nonsuited at the trial in or out of term, judgment may be signed and execution issued thereon in fourteen days, unless the judge who tries the cause, or some other judge, or the Court, shall order execution to issue at an earlier or later period, with or without terms.

58. Where issue shall be joined in any cause which is ordered to be tried before the sheriff or a judge of an inferior court of record, the defendant may at the time when, according to the 101st section of the Common-law Procedure Act, 1852, a defendant might give notice to the plaintiff to bring on an issue to be tried, give twenty days' notice to the plaintiff to bring on the issue to be tried, before such sheriff or judge, at the court to be holden next after the expiration of such twenty days; and if the plaintiff neglects to give notice of trial before such sheriff or judge, or to proceed to trial in pursuance thereof, the defendant may proceed as provided for by the said 101st section.

#### COSTS—SETTING OFF DAMAGES OR COSTS.

59. One day's notice of taxing costs, together with a copy of the bill of costs and affidavit of increase (if any), shall be given by the attorney of the party whose costs are to be taxed, to the other party, or his attorney, in all cases where a notice to tax is necessary.

60. One appointment only shall be deemed necessary for proceeding in the taxation of costs, or of an attorney's bill.

61. Notice of taxing costs shall not be necessary in any case where the defendant has not appeared in person, or by his attorney or guardian.

62. When issues in law and fact are raised, the costs of the several issues both in law and fact will follow the finding or judgment, and if the party entitled to the general costs of the cause obtain a verdict on any material issue, he will also be entitled to the general costs of the trial; but if no material issue in fact be found for the party otherwise entitled to the general costs of the

cause, the costs of the trial shall be allowed to the opposite party.

63. No set-off of damages or costs between parties shall be allowed to the prejudice of the attorney's lien for costs in the particular suit against which the set-off is sought; provided nevertheless, that interlocutory costs in the same suit, awarded to the adverse party, may be deducted.

#### ERROR.

64. Within eight days after the filing with the Master of the memorandum of error in fact, required by the Common-law Procedure Act, 1852, the plaintiff in error shall assign error; and in default, the defendant in error, his executors or administrators, shall be entitled to sign judgment of non pros.

65. No rule to plead to assignment of error in fact, or any other pleadings in error, shall be necessary, but either party may give to the opposite party a notice to answer such pleading within four days, otherwise judgment, which notice may be delivered separately, or indorsed on the pleading.

66. Notice of trial, and all other proceedings thereon, shall be the same as in issues joined in an ordinary action.

67. After the suggestion of error in law, alleged and denied as prescribed by the Common-law Procedure Act, 1852, is entered, either party may set down the case for argument, and forthwith give notice in writing to the opposite party, and proceed to the argument thereof as on a demurrer, without any rule or motion for a concilium.

68. Four clear days before the day appointed for argument the plaintiff in error shall deliver copies of the judgment roll of the court below to the judges of the Queen's Bench on error from the Common Pleas or Exchequer, and to the judges of the Common Pleas on error from the Queen's Bench; and the defendant in error shall deliver copies thereof to the other judges of the Court of Exchequer Chamber before whom the case is to be heard; and in default by either party, the other party may on the following day deliver such books as ought to have been delivered by the party making default, and the party making default shall not be heard until he shall have paid for such copies, or deposited with the Master a sufficient sum to pay for such copies.

69. The costs of proceedings in error shall be taxed and allowed as costs in the cause.

#### EXECUTION.

70. It shall not be necessary, before issuing execution upon any judgment whatever, to enter the proceedings upon any roll.

71. No writ of execution shall be issued till the judgment paper, postea, or inquisition, as the case may be, has been seen by the proper officer, nor shall any writ of execution be issued without a præcipe being filed with the proper officer.

72. Every writ of execution shall bear date on the day on which the same shall be issued, and shall be tested in the name of the Lord Chief Justice or of the Lord Chief Baron of the court from which the same shall issue, or in case of a vacancy of such office, then in the name of the senior puisne judge of the said court, and may be made returnable on a day certain in term.

73. Every writ of execution shall be indorsed with the name and place of abode, or office of business, of the attorney actually suing out the same; and in case such attorney shall not be an attorney of the court in which the same is sued out, then also with the name and place of abode or office of business of the attorney of such court in whose name such writ shall be taken out; and when the attorney actually suing out any writ shall sue out

the same as agent for an attorney in the country, the name and place of abode of such attorney in the country shall also be indorsed upon the said writ; and in case no attorney shall be employed to issue the writ, then it shall be indorsed with a memorandum expressing that the same has been sued out by the plaintiff or defendant in person, as the case may be, mentioning the city, town, or parish, and also the name of the hamlet, street, and number of the house of such plaintiff's or defendant's residence, if any such there be.

74. Writs of *capias ad satisfaciendum* for the purposes of outlawry on final process, or to fix bail, must be made returnable on a day certain in term, and may be so returnable on any day in term, and is shall be sufficient for either purpose that there be eight days between the tests and return.

75. A writ of *capias ad satisfaciendum* to fix bail shall have eight days between the tests and return, and must, in London and Middlesex, be entered four clear days in the public book at the sheriff's office.

76. Every writ of execution shall be indorsed with a direction to the sheriff, or other officer or person to whom the writ is directed, to levy the money really due and payable and sought to be recovered, under the judgment, stating the amount, and also to levy interest thereon, if sought to be recovered, at the rate of 4l. per centum per annum from the time when the judgment was entered up, or if it was entered up before the 1st of October, 1838, then from that day; provided that in cases where there is an agreement between the parties that more than 4l. per centum interest shall be secured by the judgment, then the indorsement may be accordingly to levy the amount of interest so agreed.

77. In cases of an assessment of further damages, pursuant to the stat. 8 & 9 Will. 3, it shall be stated in the body of the writ of execution, that the sheriff, or other officer or person to whom the writ is directed, is to levy interest on the damages assessed, and costs taxed in that behalf, at the rate of 4l. per centum per annum from the day on which execution was awarded, unless execution was awarded before the 1st October, 1838, and in that case from that day.

#### REVIVOR AND SCIRE FACIAS.

78. A plaintiff shall not be allowed a rule to quash his own writ of scire facias or revivor after a defendant has appeared, except on payment of costs.

#### AUDITA QUERELA.

79. No writ of audita querela shall be allowed unless by rule of court or order of a judge.

#### ENTRY OF SATISFACTION ON ROLL.

80. In order to acknowledge satisfaction of a judgment, it shall be requisite only to produce a satisfaction piece, in form as hereinafter mentioned; and such satisfaction piece shall be signed by the party or parties acknowledging the same, or their personal representatives; and such signature or signatures shall be witnessed by a practising attorney of one of the courts at Westminster expressly named by him or them, and attending at his or their request, to inform him or them of the nature and effect of such satisfaction piece before the same is signed, and which attorney shall declare himself, in the attestation thereto, to be the attorney for the person or persons so signing the same, and state he is witness as such attorney; [provided that a judge at chambers may make an order dispensing with such signature under special circumstances, if he thinks fit,] and in cases where the satisfaction piece is signed by the personal representative of a deceased, his representative character shall be proved in such manner as the Master may direct.

*Form of Satisfaction Piece.*

In the —

— Monday, the — day of —, A. D. 185—.

“—to wit.—Satisfaction is acknowledged between — plaintiff, and —, defendant in an action —, for — and —: And — do hereby expressly nominate and appoint —, attorney-at-law, to witness and attest — execution of this acknowledgment of satisfaction.

“Judgment entered on the — day of —, in the year of our Lord 185 — Roll No. —.”

Signed by the said —, in the presence of me —, of —, one of the attorneys of the Court of —, at Westminster. And I hereby declare myself to be attorney for and on behalf of the said —, expressly named by h—, and attending at h— request, to inform h— of the nature and effect of this acknowledgment of satisfaction (which I accordingly did before the same was signed by h—). And I also declare that I subscribe my name hereto as such attorney.

Signature.

the above-named plaintiff.

Date.

*BAILABLE PROCEEDINGS, BAIL, AND BAIL IN ERROR.*

81. The sheriff, or other officer or person to whom any writ of *capias* shall be directed, or who shall have the execution and return thereof, shall, within six days at least after the execution thereof, indorse on such writ the true day of the execution thereof.

82. Where the defendant is described in the writ of *capias* or affidavit to hold to bail, by initials, or by a wrong name, or without a Christian name, the defendant shall not be discharged out of custody, or the bail-bond delivered up to be cancelled, on motion for that purpose, if it shall appear to the Court that due diligence has been used to obtain knowledge of the proper name.

83. An action may be brought upon a bail-bond by the sheriff himself in any court.

84. In all cases where the bail-bond shall be directed to stand as a security, the plaintiff shall be at liberty to sign judgment upon it.

85. Proceedings on the bail-bond may be stayed on payment of costs in one action, unless sufficient reason be shewn for proceeding in more.

86. When bail to the sheriff become bail to the action, the plaintiff may except to them, though he has taken an assignment of the bail-bond.

87. A plaintiff shall not be at liberty to proceed on the bail-bond, pending a rule to bring in the body of the defendant.

88. No rule shall be drawn up for setting aside an attachment regularly obtained against a sheriff, for not bringing in the body, or for staying proceedings regularly commenced on the assignment of any bail-bond, unless the application for such rule shall, if made on the part of the original defendant, be grounded on an affidavit of merits, or if made on the part of the sheriff, or bail, or any officer of the sheriff, be grounded on an affidavit, shewing that such application is really and truly made on the part of the sheriff, or bail, or officer of the sheriff, as the case may be, at his or their own expense, and for his or their indemnity only, and without collusion with the original defendant.

89. Whenever a plaintiff shall rule the sheriff on a return of *cepi corpus* to bring in the body, the defendant shall be at liberty to put in and perfect bail at any time before the expiration of such rule; and, a plaintiff having so ruled the sheriff, shall not proceed on any assignment of the bail-bond, until the time has expired to bring in the body as aforesaid.

90. In case a rule for returning a writ of *capias* shall expire in vacation, and the sheriff or other officer having the return of such writ shall return *cepi corpus* thereon, a rule may thereupon issue, requiring the sheriff or other officer, within the like number of days after the service of such rule as by the practice of the Court is prescribed with respect to rules to bring in the body issued in term, to bring the defendant into court, by forthwith putting in and perfecting bail above to the action; and if the sheriff or other officer shall not duly obey such rule an attachment shall issue in the following term for disobedience of such rule, whether the bail shall or shall not have been put in and perfected in the meantime.

91. Notice of more bail than two shall be deemed irregular, unless by order of the court or a judge.

92. The bail, of whom notice shall be given, shall not be changed without leave of the court or a judge.

93. No person or persons shall be permitted to justify himself or themselves as good and sufficient bail for any defendant or defendants if such person or persons shall have been indemnified for so doing by the attorney or attorneys concerned for any such defendant or defendants.

94. If any person put in as bail to the action, except for the purpose of rendering only, be a practising attorney, or clerk to a practising attorney, or a sheriff's officer, bailiff, or person concerned in the execution of process, the plaintiff may treat the bail as a nullity, and sue upon the bail-bond as soon as the time for putting in bail has expired, unless good bail be duly put in in the meantime.

95. In the case of country bail, the bail-piece shall be transmitted and filed within eight days.

96. A defendant may justify bail at the same time at which they are put in, upon giving four days' notice for that purpose, before eleven o'clock in the morning, and exclusive of Sunday. If the plaintiff is desirous of time to inquire after the bail, and shall give one day's notice thereof as aforesaid to the defendant, his attorney or agent, as the case may be, before the time appointed for justification, stating therein what further time is required, such time not to exceed three days, then (unless the court or a judge shall otherwise order) the time for putting in and justifying bail shall be postponed accordingly, and all proceedings shall be stayed in the meantime.

97. Every notice of bail shall, in addition to the descriptions of the bail, mention the street or place, and number (if any), where each of the bail resides, and all the streets or places, and numbers (if any), in which each of them has been resident at any time within the last six months, and whether he is a housekeeper or freeholder.

98. If the notice of bail shall be accompanied by an affidavit of each of the bail, according to the following form, and if the plaintiff afterwards except to such bail, he shall, if such bail are allowed, pay the costs of justification; and, if such bail are rejected, the defendant shall pay the costs of opposition, unless the court or a judge thereof shall otherwise order.

*Form of Affidavit of Justification of Bail.*

In the Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be.]

Between A. B., Plaintiff, and C. D., Defendant.

B. B., one of the bail for the above-named defendant, maketh oath, and saith, that he is a housekeeper [or freeholder, as the case may be.] residing at —, [describing particularly the street or place, and number, if any]; that he is worth property to the amount of £— [the amount required by the practice of the Courts] over and above what will pay all his just debts, [if bail in any other action, add "and every other sum for which he is now bail"]; that he is not bail for any

defendant except in this action [*or, if bail in any other action or actions, add "except for C. D., at the suit of E. F., in the court of —, in the sum of £—, for G. H., at the suit of I. K., in the court of —, in the sum of £—," specifying the several actions, with the courts in which they are brought, and the sums in which the deponent is bail*]; that the deponent's property, to the amount of the said sum of £—, [*if bail in any other action or actions, here add "and of all other sums for which he is now bail as aforesaid"*], consists of [*here specify the nature and value of the property in respect of which the bail proposes to justify, as follows: "stock in trade, in his business of —, carried on by him at —, of the value of £—; of good book debts owing to him to the amount of £—; of furniture in his house at —, of the value of £—; of a freehold or leasehold farm of the value of £—, situate at —, occupied by —, or of a dwelling-house of the value of £—, situate at —, occupied by —;" or of other property, particularising each description of property with the value thereof*]; and that the deponent hath for the last six months resided at — [*describing the place or places of such residence*].

Sworn [*&c., as usual*].

99. If the plaintiff shall not give one day's notice of exception to the bail by whom such affidavit shall have been made, the recognisance of such bail may be taken out of court without other justification than such affidavit.

100. Where notice of bail shall not be accompanied by such affidavit, and in bail in error, the plaintiff may except thereto within twenty days next after the putting in of such bail, and notice thereof, given in writing to the plaintiff or his attorney, or where special bail is put in before any commissioner, the plaintiff may except thereto within twenty days next after the bail-piece is transmitted and notice thereof given as aforesaid; and no exception to bail shall be admitted after the time hereinbefore limited.

101. Affidavits of justification shall be deemed insufficient unless they state that each person justifying is worth double the amount sworn to, over and above what will pay his just debts, and over and above every other sum for which he is then bail, except when the sum sworn to exceeds 1,000*l.*, when it shall be sufficient for the bail to justify in 1,000*l.* beyond the sum sworn to.

102. It shall be sufficient, in all cases, if notice of justification of bail be given two days before the time of justification.

103. In all cases, bail either to the action or in error shall be justified, when required, within four days after exception, before a judge at chambers, both in term and vacation.

104. Bail, though rejected, shall be allowed to render the principal without entering into a fresh recognisance.

105. Bail shall be at liberty to render the principal at any time during the last day for rendering, so as they make such render before the prison doors are closed for the night.

106. On application by a defendant or his bail, or either of them, for an order to render a defendant to a county gaol, it shall be specified on whose behalf such application shall be made, the state of the proceedings in the cause, for what amount the defendant was held to bail, and by the sheriff of what county he was arrested, which facts shall be stated in the order; and that on such order being lodged with the gaoler of the county gaol in which such defendant was so arrested, the defendant may be rendered to his custody in discharge of the bail; and that on such lodgment and render, a notice thereof, and of the defendant's being actually in custody thereon, in writing, signed by the defendant or his bail, or either of them, or the attorney

or agent of any or either of them, shall be delivered to the plaintiff's attorney or agent, and thereupon the bail for the said defendant shall be wholly exonerated, without entering any exoneretur.

107. If a defendant shall be in custody of the gaoler of any county gaol, by virtue of any process issued out of any of the said courts, he may be rendered in discharge of his bail in any action depending in the said court in like manner as is last hereinbefore provided, and thereupon the bail shall be wholly exonerated, without entering any exoneretur.

108. Where the plaintiff proceeds by action on the recognisance of bail, the bail shall be at liberty to render their principal at any time within the space of eight days next after the service of the process upon them, but not at any later period; and notice thereof given, the proceedings shall be stayed upon payment of the costs of the writ and service thereof only.

109. Bail shall only be liable to the sum sworn to by the affidavit of debt and the costs of suit, not exceeding in the whole the amount of their recognisance.

110. To entitle bail to a stay of proceedings, pending a writ of error, the application must be made before the time to surrender is out.

111. Whenever two or more notices of justification of bail shall have been given before the notice on which bail shall appear to justify, no bail shall be permitted to justify without first paying (or securing to the satisfaction of the plaintiff, his attorney, or agent,) the reasonable costs incurred by such prior notices, although the names of the persons intended to justify, or any of them, may not have been changed, and whether the bail mentioned in any such prior notice shall not have appeared, or shall have been rejected.

#### EJECTMENT.

112. No judgment in ejectment, for want of appearance or defence, whether limited or otherwise, shall be signed without first filing an affidavit of the service of the writ, according to the *Common-law Procedure Act, 1852*, and a copy thereof, or, where personal service has not been effected, without first obtaining a judge's order or a rule of court authorising the signing such judgment; which said rule or order, or a duplicate thereof, shall be filed together with a copy of the writ.

113. Where a person not named in the writ in ejectment has obtained leave of the court or a judge to appear and defend, he shall enter an appearance according to the *Common-law Procedure Act, 1852*, entitled in the action against the party or parties named in the writ as defendant or defendants, and shall forthwith give notice of such appearance to the plaintiff's attorney, or to the plaintiff if he sues in person.

114. If the plaintiff in ejectment appears at the trial, and the defendant does not appear, the defendant shall be taken to have admitted the plaintiff's title, and the verdict shall be entered for the plaintiff, without producing any evidence, and the plaintiff shall have judgment for his costs of suit as in other cases.

#### CAUSES REMOVED FROM INFERIOR COURTS.

115. Rules to appear in causes removed from inferior courts shall in all cases be a four-day rule, both in term and vacation.

116. In cases of removal of causes from inferior courts by habeas corpus, where bail is required to be put in on behalf of the defendant, the same practice shall be used, as near as may be, as in putting in bail to an ordinary action, and in the event of no bail being put in within eight days after the habeas corpus allowed a procedendo may issue.

117. If a cause be removed from an inferior court having jurisdiction of the cause, the costs in the court below shall be costs in the cause.



## PENAL ACTIONS, COMPOUNDING OF.

118. Leave to compound a penal action shall not be given in cases where part of the penalty goes to the Crown, unless notice shall have been given to the proper officer; but in other cases it may.

119. The rule for compounding any *qui tam* action shall express therein that the defendant thereby undertakes to pay the sum for which the Court has given him leave to compound such action.

120. When leave is given by the Court of Queen's Bench to compound a penal action, the Queen's half of the composition shall be paid into the hands of the Master of the Crown Office for the use of her Majesty.

## PAUPERS, ACTION BY.

121. No person shall be admitted to sue in forma pauperis unless the case laid before counsel for his opinion, and his opinion thereon, with an affidavit of the party or his attorney that the same case contains a full and true statement of all the material facts, to the best of his knowledge and belief, shall be produced before the court or judge to whom application may be made; and no fees shall be payable by a pauper to his counsel and attorney, nor at the offices of the Masters, or Associates, or at the judges' chambers, or elsewhere, by reason of a verdict being found for such pauper exceeding 5*l*.

122. Where a pauper omits to proceed to trial, pursuant to notice, he may be called upon by a rule to shew cause why he should not pay costs, though he has not been dispaupered, and why all further proceedings should not be stayed until such costs shall be paid.

## PRISONERS, AND PROCEEDINGS AGAINST.

123. Every rule or order of a judge directing the discharge of a defendant out of custody upon special bail being put in and perfected shall also direct a supersedeas to issue forthwith where defendant is in a county gaol.

124. The plaintiff shall proceed to trial, or final judgment, against a prisoner in the term next after issue is joined, or at the sittings or assizes next after such term, unless the court or a judge shall otherwise order, and shall cause the defendant to be charged in execution within the term next after such trial or judgment.

125. The keeper of the Queen's Prison shall present to the judges of the courts in their respective chambers at Westminster, within the first four days of every term, a list of all such prisoners as are supersedeable, showing as to what actions and on what account they are so, and as to what actions (if any) they still remain not supersedeable.

126. If, by reason of any writ of error, special order of the Court, agreement of parties, or other special matter, any person detained in the actual custody of the keeper of the Queen's Prison be not entitled to a supersedeas or discharge for want of proceeding to trial or judgment, or charging in execution, within the times prescribed, then and in every such case the plaintiff or plaintiffs at whose suit such prisoner shall be so detained in custody shall, with all convenient speed, give notice in writing of such writ of error, special order, agreement, or other special matter, to the keeper, upon pain of losing the right to detain such prisoner in custody by reason of such special matter; and the keeper shall forthwith, after the receipt of such notice, cause the matter thereof to be entered in the books of the prison, and shall also present to the judges of the respective courts, from time to time, a list of the prisoners to whom such special matter shall relate, showing such special matter, together with the list of the prisoners supersedeable.

127. All prisoners who have been or shall be in the custody of the keeper for the space of one calendar month after they are supersedeable, although not superseded, shall be forthwith discharged out of the Queen's

Prison as to all such actions in which they have been or shall be supersedeable.

128. After notice given to any plaintiff by a prisoner of his intention to apply for his discharge under any act for the relief of insolvent debtors, no such prisoner shall be superseded or discharged out of custody at the suit of such plaintiff, by reason of such plaintiff's forbearing to proceed against him according to the rules and practice of the courts from the time of such notice given, until some rule or order shall be made in the cause in that behalf.

129. A rule or order for the discharge of a prisoner who has been detained in execution a year for a sum under twenty pounds, may be made absolute in the first instance, on an affidavit of notice given ten days before the intended application, which notice may be given before the year expires.

## SHERIFFS—RULES TO RETURN WRITS OR BRING IN THE BODY.

130. All rules upon the Sheriffs of London and Middlesex to return writs or to bring in the bodies of defendants shall be four-day rules, and upon other sheriffs eight-day rules.

131. When the rule to return a writ expires in vacation, the sheriff shall file the writ at the expiration of the rule, or as soon after as the office shall be open; and the officer with whom it is filed shall indorse the day and hour when it was filed.

132. No judge's order shall issue for the return of any writ, or to bring in the body of a defendant, but a side-bar rule shall issue for that purpose in vacation as in term, which shall be of the same force and effect as side-bar rules made for that purpose in term.

133. In case a rule shall issue in vacation for the return of any writ of *capias*, *ca. sa.*, *fi. fa.*, *elegit*, *habere facias possessionem*, *venditioni exponas*, or other writ of execution, and such rule shall have been duly served, but obedience shall not have been paid thereto, an attachment shall issue for disobedience of such rule, whether the thing required by such rule shall or shall not have been done in the meantime.

134. Where any sheriff, before his going out of office, shall arrest any defendant and take a bail bond and make return of *cepi corpus*, he shall and may, within the time allowed by law, be called upon to bring in the body by a rule for that purpose, notwithstanding he may be out of office before such rule shall be granted.

## IRREGULARITY.

135. No application to set aside process or proceedings for irregularity shall be allowed unless made within a reasonable time, nor if the party applying has taken a fresh step after knowledge of the irregularity.

136. Where a summons is obtained to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated therein.

137. In all cases where a rule is obtained to shew cause why proceedings should not be set aside for irregularity with costs, and such rule is afterwards discharged generally without any special direction upon the matter of costs, it is to be understood as discharged with costs.

## AFFIDAVITS.

138. The addition and true place of abode of every person making an affidavit shall be inserted therein.

139. In every affidavit made by two or more deponents, the names of the several persons making such affidavit shall be written in the jurat.

140. No affidavit shall be read or made use of in any matter depending in court in the jurat of which there shall be any interlineation or erasure.

141. Where any affidavit is sworn before any judge or any commissioner by any person who from his or her

signature appears to be illiterate, the judge's clerk or commissioner taking such affidavit shall certify or state in the jurat that the affidavit was read in his presence to the party making the same, and that such party seemed perfectly to understand the same, and also that the said party wrote his or her mark or signature in the presence of the judge's clerk or commissioner taking the said affidavit.

142. No affidavit of the service of process shall be deemed sufficient if sworn before the plaintiff's own attorney or his clerk.

143. Where an agent in town, or an attorney in the country, is the attorney on the record, an affidavit sworn before the attorney in the country shall not be received; and an affidavit sworn before an attorney's clerk shall not be received in cases where it would not be receivable if sworn before the attorney himself; but this rule shall not extend to affidavits to hold to bail.

144. An affidavit sworn before a judge of any of the courts shall be received in the court to which such judge belongs, though not entitled of that court, but not in any other court unless entitled of the court in which it is to be used.

145. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be made use of in court or before the Master, unless by leave of a court or a judge.

146. No rule which the Court has granted upon the foundation of any affidavit shall be of any force unless such affidavit shall have been actually made before such rule was moved for, and produced in court at the time of making the motion.

147. All affidavits used before a judge out of court shall be filed with the Masters of the said courts, and be alphabetically indexed; and such affidavits shall be delivered to the Masters of the respective courts, in order to be filed, ten days next after that on which the matter is disposed of.

148. No commission for taking affidavits shall be issued to any person practising as a conveyancer, unless such person be also an attorney or solicitor of one of the courts at Westminster; and no such commission shall issue without an affidavit made by the person intended to be named therein, that he is not and does not intend to become a practising conveyancer, or that he is an attorney or solicitor duly enrolled in one of the said courts, and hath taken out his certificate for the current year.

#### RULES, SUMMONSES, AND ORDERS.

149. Every rule of court shall be dated the day of the week, month, and year on which the same is drawn up, without reference to any other time or date.

150. Side bar rules may be obtained on the last as well as on other days in term.

151. A rule may be enlarged, if the Court think fit, without notice.

152. All enlarged rules shall be drawn up for the first day in the ensuing term, unless otherwise ordered by the Court.

153. It shall not be necessary to issue more than one summons for attendance before a judge, upon the same matter, and the party taking out such summons shall be entitled to an order on the return thereof, unless cause is shown to the contrary.

154. An attendance on a summons, or on an appointment before a master, for half an hour next immediately following the return thereof, shall be deemed a sufficient attendance.

155. All written consents upon which orders for signing judgments are obtained shall be preserved in the chambers of the judges of the respective courts.

156. In actions where the defendant has appeared by attorney no such order shall be made unless the consent of the defendant be given by his attorney or agent.

157. Where the defendant has not appeared or has appeared in person, no such order shall be made unless the defendant attends the judge, and gives his consent in person, or unless his written consent be attested by an attorney acting on his behalf; except in a case where the defendant is a barrister, conveyancer, special pleader, or attorney.

158. Where a judge's order is made during vacation, it shall not be made a rule of court before the next term.

159. Where a judge's order or order of Nisi Prius is made a rule of court, it shall be a part of the rule that the costs of making the order a rule of court shall be paid by the party against whom the order is made, provided an affidavit be made and filed that the order has been served on the party, his attorney or agent, and disobeyed.

160. *Rules to show cause shall be no stay of proceedings unless two days notice of the motion shall have been served on the opposite party, except in the cases of rules for new trials, or to enter verdict or nonsuit, motion in arrest of judgment, or for judgment non obstante veredicto, to set aside award or annuity deed, or to enter a suggestion, or by the special direction of the Court.*

#### NOTICES, SERVICE OF, AND OF RULES, PLEADINGS, &c.

161. *All notices required by these rules, or by the practice of the Court, shall be in writing.*

162. Where the residence of a defendant is unknown, rules, notices, and other proceedings may be stuck up in the office, but not without previous leave of the court or a judge.

163. It shall not be necessary to the regular service of a rule or order, that the original rule or order should be shown, unless sight thereof be demanded, except in cases of attachment.

164. Service of pleadings, notices, summonses, orders, rules, and other proceedings shall be made before 7 o'clock p.m. *If made after that hour, the service shall be deemed as made on the following day.*

165. The Masters of the several courts shall cause to be kept an alphabetical book at their offices, to be there inspected by any attorney or his clerk, without fee or reward:—and every attorney practising in the said courts, and residing within ten miles of the General Post Office, shall enter in such book (in alphabetical order) his name and place of business, or some other proper place, within three miles of the said post office, where he may be served with pleadings, notices, summonses, orders, rules, and other proceedings; and as often as any such attorney shall change his place of business, or the place where he may be so served as aforesaid, he shall make the like entry thereof in the said book; and all pleadings, notices, summonses, orders, rules, and other proceedings which do not require a personal service shall be deemed sufficiently served on such attorney if a copy thereof shall be left at the place lastly entered in such book with any person resident at or belonging to such place; and if any such attorney shall neglect to make such entry, the fixing up of any notice, or the copy of any pleadings, notice, summons, order, rule, or other proceeding, for such attorney, in the Masters' offices, shall be deemed a sufficient notice.

166. In all cases where a party sues or defends in person, he shall, upon issuing any writ of summons or other proceeding, or entering an appearance, enter in a book to be kept for that purpose at the Master's office an address within three miles from the General Post Office, at which all pleadings, notices, summonses, orders, rules, or other proceedings not requiring personal service shall be left; and if such address shall not be entered in the said book, or if such address shall be more than three miles from the General Post Office, then the opposite party shall be at liberty to proceed by sticking up all pleadings, notices, summonses, orders,

rules, or other proceedings in the Master's office without the necessity of any further service.

167. In all cases where a plaintiff shall have sued out a writ in person, or a defendant shall have appeared in person, and either party shall by an attorney of the court have given notice in writing to the opposite party, or the attorney or agent of such party, of such attorney being authorised to act as attorney for the party on whose behalf such notice is given, all pleadings, notices, summonses, orders, rules, and other proceedings which according to the practice of the courts are to be delivered to or served upon the party on whose behalf such notice is given shall thereafter be delivered to or served upon such attorney.

#### ATTACHMENT.

168. Rules for attachments shall be absolute in the first instance in the two following cases only, viz. first, for non-payment of costs on a Master's allocatur; secondly, against a sheriff for not obeying a rule to return a writ or to bring in the body.

#### AWARDS AND ANNUITIES.

169. Where a rule to shew cause is obtained to set aside an award or annuity, the several objections thereto intended to be insisted upon at the time of moving to make such rule absolute shall be stated in the rule to shew cause.

170. Costs may be taxed on an award, notwithstanding the time for setting aside the award has not elapsed.

#### MISCELLANEOUS.

171. On a reference to the Master to ascertain the amount for which final judgment is to be signed, the Master's certificate shall be filed in the office when judgment is signed.

172. On every appointment made by the Master, the party on whom the same shall be served shall attend such appointment without waiting for a second, or in default thereof, the Master may proceed ex parte on the first appointment.

173. The Masters' offices in the several courts shall be open in term time, from eleven o'clock in the forenoon till five o'clock in the afternoon, and not in the evening; and in the vacation, from eleven o'clock in the forenoon till three o'clock in the afternoon, except between the 10th day of August and the 24th day of October, when they are to be open from eleven in the morning till two in the afternoon, and except on Good Friday, Easter Eve, Monday and Tuesday in Easter week, Christmas Day, and the three following days, and such of the four following days as may not fall in the time of term, but not otherwise, namely, the Queen's birthday, the Queen's accession, Whit Monday, and Whit Tuesday, when the offices shall be closed.

174. In all cases in which any particular number of days, not expressed to be clear days, is prescribed by the rules or practice of the courts, the same shall be reckoned exclusively of the first day, and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, Good Friday, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusively of that day also.

175. The days between Thursday next before, and the Wednesday next after Easter Day, and Christmas Day and the three following days, shall not be reckoned or included in any rules, notices, or other proceedings, except notices of trial or notices of inquiry.

176. In all causes in which there have been no proceedings for one year from the last proceeding had, the party, whether plaintiff or defendant, who desires to proceed, shall give a calendar month's notice to the other party of his intention to proceed. The summons of a judge, if no order be made thereupon, shall not be

deemed a proceeding within this rule. Notice of trial, though afterwards countermanded, shall be deemed a proceeding within it.

#### FORMS OF PROCEEDINGS.

The forms of proceedings contained in the schedule hereunder may be used in the cases to which they are applicable, with such alterations as the nature of the action, the description of the court in which the action is depending, the character of the parties, or the circumstances of the case may render necessary; but any variance therefrom, not being in matter of substance, shall not affect their validity or regularity.

#### SCHEDULE.

##### 1.—Form of an Issue in General.

In the Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be].

The — day of —, in the year of our Lord 18—  
(date of declaration).

(The Venue.)—A. B. by P. A. his attorney [or "in person," as the case may be, and as in the declaration,] sues C. D., who has been summoned to answer the said A. B. by virtue of a writ issued on the — day of —, in the year of our Lord —, (the date of the first writ) out of her Majesty's Court of Queen's Bench, [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] For, [&c. Copy the declaration from these words to the end, and all the pleadings, with their dates, writing each plea or pleading in a separate paragraph, and numbering the same as in the pleading delivered, and conclude thus:] Therefore let a jury come, &c.

##### 2.—Form of a Nisi Prius Record.

The Nisi Prius record will be a copy of the issue as delivered in the action. It must be ingrossed on the parchment, and a more convenient shape than that heretofore in use must be adopted.

##### 3.—Form of a Postea on a Verdict for Plaintiff on all the Issues where the Cause is tried in London or Middlesex, and where the Defendant appears at the Trial.

Afterwards on the — day of —, A. D. —, (the first day of the sittings) at the Guildhall of the City of London [or "at Westminster Hall, in the county of Middlesex,"] before the Right Hon. John Lord Campbell, her Majesty's Chief Justice assigned to hold pleas in the Court of our lady the Queen before the Queen herself, [or, if in the Common Pleas, "before the Right Hon. Sir John Jervis, knt., her Majesty's Chief Justice assigned to hold pleas in her Majesty's Court of the Bench," or in the Exchequer "before the Right Hon. Sir Frederick Pollock, knt., Chief Baron of her Majesty's Court of Exchequer,"] come the parties within mentioned by their respective attorneys within mentioned, and a jury of the within county [or "city"] being summoned, also come, who, being sworn to try the matters in question between the said parties upon their oath, say that, [&c. state the affirmative or negative of the issue as it is found for the plaintiff, and in the terms adopted in the pleading.] [If there be several issues joined and tried, then say "as to the first issue within joined upon their oath say that," (&c. state the affirmative or negative of the issue as found for plaintiff,) "and as to the second issue within joined, the jury aforesaid upon their oath say that," (&c. so proceed to state the finding of the jury on all the issues.)] [Conclude with an assessment of the damages, thus:] And they assess the damages of the plaintiff on occasion of the premises within complained of by him, over and above his costs of suit, to £—, and for those costs to 40s. Therefore, &c.

##### 4.—The like, where the Cause is tried at the Assizes.

Afterwards, on the — day of —, A. D. — (the commission day of the assizes), at — in the county [or "city"] of —, knt., and Sir — knt., Justices of our said lady the Queen, assigned to take the assizes in and for the within county [or "city and county," or "town and county," as the case may be], come the parties within mentioned by their respective attorneys within mentioned; and a

jury of the said county [or "city and county," or "town and county," as the case may be,] being summoned also come, who, being sworn to try the matters in question between the said parties, upon their oath say, that [&c. state the negative or affirmative of the issue as it is found for the plaintiff, and in the terms adopted by the pleading.] [If there be several issues joined and tried, then say, "as to the first issue within joined upon their oath, say, that," (&c. state the affirmative or negative of the issue as it is found for the plaintiff,) "and as to the second issue within joined, the jury aforesaid, on their oath aforesaid, say, that" (&c. so proceed to state the finding of the jury on all the issues.)] [Conclude with stating an assessment of the damages, thus:] And they assess the damages of the plaintiff on occasion of the premises within complained of by him, over and above his costs of suit, to £—, and for those costs to 40s. Therefore, &c.

### 5.—Form of a Judgment for Plaintiff on a Verdict in a Town Cause.

(Copy the Nisi Prius record, and then proceed thus:) Afterwards, on the — day of — in the year of our Lord — [day of signing final judgment] come the parties aforesaid, by their respective attorneys aforesaid (or as the case may be, if they have not appeared by attorneys), and the Right Hon. John Lord Campbell, her Majesty's Chief Justice assigned to hold Pleas in the Court of our lady the Queen before the Queen herself, (or if in Common Pleas, "the Right Hon. Sir John Jervis, knt., her Majesty's Chief Justice assigned to hold Pleas in her Majesty's Court of the Bench," or if in the Exchequer, "the Right Hon. Sir Frederick Pollock, knt., Chief Baron of her Majesty's Court of Exchequer," or "Sir —, knt., one of her Majesty's Justices of her Court of — (as the case may be), before whom the said issue was (or "issues were") tried in the absence of her Majesty's Chief Justice, &c." as the case may be,) hath sent hither his record had before him in these words: Afterwards [&c., copy the notes]. Therefore it is considered that the plaintiff do recover against the defendant the said monies by the jurors aforesaid in form aforesaid assessed [or if the action be in debt and the jury do not assess the debt, but only the damages and forty shillings costs, then say "do recover against the defendant the said debt of £—, and the monies by the jurors aforesaid in form aforesaid assessed"]; and also £— for his costs of suit by the Court here adjudged of increase to the plaintiff, which said monies and costs [or "debt, damages, and costs,"] in the whole amount to £—.

[In the margin of the roll, opposite the words "Therefore it is considered," write "Judgment signed the — day of —, A. D. —," stating the day of signing the judgment.]

### 6.—The like, in a Cause tried at the Assizes.

(Copy the Nisi Prius record, and then proceed thus:) Afterwards, on the — day of — in the year of our Lord — [day of signing final judgment] come the parties aforesaid, by their respective attorneys aforesaid (or, as the case may be); and Sir —, knt., and Sir —, knt., Justices of our lady the Queen assigned to take the assizes in and for the said county [or "city and county," &c., as the case may be], before whom the said issue was [or "issues were"] tried, have sent hither their record had before them in these words. Afterwards, [&c. Conclude as directed in the preceding form.]

### 7.—Form of an Issue where it is directed to be tried by the Sheriff, &c.

(Commence the issue as in the form No. 1. above prescribed. Then copy all the pleadings, and after the joinder of issue proceed as follows:) And forasmuch as the sum sought to be recovered in this suit, and indorsed on the said writ of summons, does not exceed 20l., hereupon on the — day of —, in the year — (state of writ of trial), pursuant to the statute in that case made and provided, the Sheriff [or "the Judge of —, being a court of record for the recovery of debt in the said county," as the case may be,] is commanded that he summon 12, &c., who neither, &c., who shall be sworn truly to try the issue [or "issues,"] above joined between the parties aforesaid, and that he proceed to try such issue [or "issues,"] accordingly; and when the same shall have been tried that he make known to the Court here what shall have been done by virtue of the writ of our lady

the Queen to him in that behalf directed, with the finding of the jury thereon indorsed on the — day of —, &c.

### 8.—Form of a Writ of Trial before the Sheriff, &c.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Sheriff of —, [or "to the Judge of —, being a court of record for the recovery of debt in our county of —," as the case may be,] greeting: Whereas A. B. in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be] at Westminster, on the — (date of first writ of summons) day of — in the year of our Lord — implored C. D. in an action for [&c., here cite the declaration in the past tense,] and the plaintiff claimed £—: And whereas the defendant on the — (date of plea) day of — last, by — his attorney, (or, as the case may be,) came into our said court, and said [&c., here cite the pleas and pleadings to the joinder of issue:] And whereas the sum sought to be recovered in the said action, and indorsed on the writ of summons therein, does not exceed 20l.; and it is fitting that the issue [or "issues"] joined as aforesaid should be tried before you the said Sheriff [or "Judge," as the case may be]: We therefore, pursuant to the statute in such case made and provided, command you that you do summon 12 free and lawful men of your county duly qualified according to law, who are in nowise akin to the plaintiff or to the defendant, who shall be sworn truly to try the said issue [or "issues"] joined between the parties aforesaid, and that you proceed to try such issue [or "issues"] accordingly; and when the same shall have been tried in manner aforesaid, we command you that you make known to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our said Exchequer," as the case may be,] at Westminster, what shall have been done by virtue of this writ, with the finding of the jury hereon indorsed, on the — day of — next. Witness — [name of the Chief Justice, or of the Chief Baron if the action is in the Exchequer] at Westminster, the — day of — in the year of our Lord —.

### 9.—Form of Indorsement on the Writ of Trial of the Verdict.

Afterwards, on the — day of —, in the year of our Lord — [day of trial] before me, Sheriff of the county of — [or "Judge of the court of —"] came as well the within-named plaintiff as the within-named defendant, by their respective attorneys within-named, (or, as the case may be,) and the jurors of the jury by me duly summoned, as within commanded, also came, and being duly sworn to try the issue [or "issues"] within mentioned on their oath, said, that [&c. here state the finding of the jury as in a postea on a trial at Nisi Prius].

The answer to S. S., sheriff.

### 10.—The like, in case a Nonsuit takes place.

[Proceed as in the above form, but after the words "duly sworn to try the issue within-mentioned," proceed as follows:] and were ready to give their verdict in that behalf; but the plaintiff being solemnly called, came not, nor did he further prosecute his said suit against the defendant.

### 11.—Form of Judgment for the Plaintiff after Trial before the Sheriff.

(Copy the issue, and then proceed as follows:) Afterwards on the — day of —, in the year of our Lord — [day of signing final judgment], come the parties aforesaid, by their respective attorneys aforesaid (as the case may be), and the said Sheriff, [or "Judge," as the case may be], before whom the said issue [or "issues"] came on to be tried, hath sent hither the said last-mentioned writ, with an indorsement thereon, which said indorsement is in these words; to wit, (copy the indorsement). Therefore it is considered, (&c., conclude as in other cases. See the form supra, No. 5.)

### WRITS OF EXECUTION.

#### 1.—Writ of Fieri Facias on a Judgment for Plaintiff.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that [if sued out of the Court of Exchequer, say "We command you,

that you omit not by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C. D. in your bailiwick you cause to be made £— (*the amount of all the monies recovered by the judgment*) which A. B. lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be,*] recovered against him, whereof the said C. D. is convicted, together with interest upon the said sum at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, on which day the judgment aforesaid was entered up, and have that money, with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be,*] at Westminster, immediately after the execution hereof, to be rendered to the said A. B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be,*] at Westminster, immediately after the execution hereof, and have you there then this writ. Witness, — at Westminster, the — day of —, in the year of our Lord —.

### 2.—Writ of Fieri Facias on a Judgment for Defendant.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you cause to be made [if sued out of the Court of Exchequer "that you omit not by reason of any liberty of your county, but that you enter the same, and cause to be made"] of the goods and chattels in your bailiwick of A. B. £—, which lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be,*] were awarded to C. D., for his costs of defence in an action lately prosecuted in our said Court by the said A. B. against the said C. D., whereof the said A. B. is convicted, together with interest on the said sum at the rate of 4l. per centum per annum from the — day of —, in the year of our Lord —, on which day the judgment aforesaid was entered up, and have you that money before us [or in the Common Pleas "before our Justices," or in the Exchequer "before our Barons," *as the case may be,*] at Westminster, immediately after the execution hereof, to be rendered to the said C. D.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be,*] at Westminster, immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

### 3.—Writ of Fieri Facias on a Rule for Payment of Money.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that [if sued out of the Court of Exchequer, say, "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C. D. in your bailiwick you cause to be made £—, which lately in our Court of Queen's Bench, or "Common Pleas," or "Exchequer of Pleas," *as the case may be,*] by a rule of our said Court, dated the — day of — A.D. — were ordered to be paid by the said C. D. to A. B.; and that of the said goods and chattels of the said C. D. in your bailiwick you further cause to be made interest upon the said sum, at the rate of 4l. per centum per annum from the — day of —, in the year of our Lord —, on which day the said rule was made, and have that money, together with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be,*] at Westminster immediately after the execution hereof, to be rendered to the said A. B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be,*] at Westminster immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

quer," *as the case may be,*] at Westminster, immediately after the execution hereof, and have you there then this writ. Witness — at Westminster the — day of —, in the year of our Lord —.

### 4.—Writ of Fieri Facias on a Rule for Payment of Money and Costs.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that [if sued out of the Court of Exchequer, say, "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C. D. in your bailiwick you cause to be made £— which lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be,*] by a rule of our said Court, dated the — day of —, in the year of our Lord —, were ordered to be paid by the said C. D. to A. B., together with certain costs in the said rule mentioned, which said costs have been taxed and allowed by our said Court at £—; and that of the said goods and chattels of the said C. D. in your bailiwick you further cause to be made interest upon the said two several sums at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, and have those monies, together with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be,*] at Westminster, immediately after the execution hereof, to be rendered to the said A. B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be,*] at Westminster immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

### 5.—Writ of Fieri Facias on a Rule for Payment of Costs only.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that [if sued out of the Exchequer, say, "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C. D. in your bailiwick you cause to be made £— for certain costs which by a rule of our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be,*] dated the — day of — in the year of our Lord —, were ordered to be paid by the said C. D. to A. B., which said costs have been taxed and allowed by our said Court at the said sum, and that of the said goods and chattels of the said C. D. in your bailiwick you further cause to be made interest upon the said sum at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, and have that money, together with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be,*] at Westminster immediately after the execution hereof, to be rendered to the said A. B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be,*] at Westminster immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

### 6.—Writ of Fieri Facias on a Judgment of an Inferior Court removed into one of the Superior Courts.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that [if sued out of the Court of Exchequer, say, "We command you, that you omit not, by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C. D. in your bailiwick you cause to be made £— which A. B.

lately in — (*insert the style of the Court*), by the judgment of the said Court, recovered against the said C.D., whereof the said C.D. is convicted, and which judgment was afterwards, on the — day of — in the year of our Lord —, removed into our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] by virtue of an order of that our said Court [or "of — one of the Justices of that our said Court," *as the case may be*,] in pursuance of the statute in such case made and provided, and the costs attendant upon the application for the said order and upon the said removal were, on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] at £ —; and we further command you, that of the said goods and chattels of the said C.D. in your bailiwick you further cause to be made the said £ —, together with interest on the said two several sums at the rate of 4 l. per centum per annum from the said — day of — in the — year of our Lord —; and that you have that money, with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, to be rendered to the said A.B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

7.—*Writ of Fieri Facias on a Rule or Order for Payment of Money made in an Inferior Court, and removed into one of the Superior Courts.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. We command you, that [if sued out of the Court of Eschequer, say, "We command you, that you omit not by 'reason of any liberty of your county, but that you enter the same, and'] of the goods and chattels of C.D. in your bailiwick you cause to be made £ —, which lately in — (*insert the style of the Court*), by a rule [or "order"] of the said Court, entitled, — (*as the case may be*), were by the said Court ordered to be paid by the said C.D. to A.B.; and which rule [or "order"] was afterwards, on the — day of — in the year of our Lord —, removed into our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] by virtue of an order of that our said Court, [or "of —, one of the Justices of that our said Court," *as the case may be*,] in pursuance of the statute in that case made and provided, and the costs and charges attendant upon the application for the said last-mentioned order and upon the said removal were, on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] at £ —; and we further command you, that of the said goods and chattels of the said C.D. in your bailiwick you further cause to be made the said £ —, together with interest on the said two several sums at the rate of 4 l. per centum per annum from the said — day of —, and that you have those monies, with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution thereof, to be rendered to the said A.B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices" or in the Exchequer "to the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

8.—*Writ of Fieri Facias on a Rule or Order for Payment of Money and Costs made in an Inferior Court, and removed into one of the Superior Courts.*

Victoria, by the grace of God of the United Kingdom of

Great Britain and Ireland Queen, Defender of the Faith: to the Sheriff of — greeting. We command you, that [or, if sued out of the Court of Eschequer, say, "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C.D. in your bailiwick you cause to be made £ —, which lately in — (*insert the style of the Court*), by a rule [or "order"] of the said Court entitled, — (*as the case may be*), were by the said Court ordered to be paid by the said C.D. to A.B., and also £ — for the costs of the said rule [or "order"] by the said Court also ordered to be paid by the said C.D. to the said A.B.; which said rule [or "order"] was afterwards, on the — day of — in the year of our Lord —, removed into our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] by an order of that our said Court [or "of — one of the Justices of that our Court," *as the case may be*,] in pursuance of the statute in such case made and provided; and the costs and charges attendant upon the application for the said last-mentioned order and upon the said removal were, on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] at £ —; and we further command you, that of the said goods and chattels of the said C.D. in your bailiwick you further cause to be made the said £ —, together with the interest on the said three several sums at the rate of 4 l. per centum per annum from the said — day of — in the year of our Lord —, and that you have those monies, with such interest as aforesaid, before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, to be rendered to the said A.B.; and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas "to our Justices," or in the Exchequer "to the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

9.—*Writ of Elegit on a Judgment for Plaintiff.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas A.B., lately in our Court of Queen's Bench, [or "Common Pleas," or "Exchequer of Pleas," *as the case may be*,] by the judgment of the same Court recovered against C.D. £ — (*the amount of all the monies recovered by the judgment*), whereof the said C.D. is convicted, and afterwards the said A.B. came into our said Court, and according to the form of the statutes in such case made and provided, chose to be delivered to him all the goods and chattels of the said C.D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C.D. or any person in trust for him was seized or possessed of on the — day of — in the year of our Lord — on which day the judgment aforesaid was entered up, or at any time afterwards, or over which the said C.D. on that day or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, according to the form of the said Statutes, until the said sum, together with interest thereon at the rate of 4 l. per centum per annum from the — day of — in the year of our Lord — shall have been levied. Therefore we command you that, [if sued out of the Court of Eschequer, say "Therefore we command you, that you omit not, by reason of any liberty of your county, but that you enter the same, and"] without delay, you cause to be delivered to the said A.B. by a reasonable price and extent all the goods and chattels of the said C.D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents and hereditaments, including lands and hereditaments of copyhold



or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said £—, together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us [or in the *Common Pleas* "to our Justices," or in the *Exchequer* "to the Barons of our Exchequer," as the case may be,] at Westminster immediately after the execution hereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

10.—*Writ of Elegit on a Rule for Payment of Money.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas lately in our Court of Queen's Bench, [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] by a rule of the said Court, dated the — day of — in the year of our Lord — the sum of £— was ordered to be paid by C. D. to A. B., and afterwards the said A. B. came into our said Court, and according to the form of the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the — day of — in the year of our Lord —, on which day the said rule was made, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said sum, together with interest upon the same at the rate of 4l. per centum per annum from the — day of —, in the year of our Lord —, shall have been levied. Therefore we command you that, [if sued out of the Court of Exchequer, say "Therefore we command you, that you omit not, by reason of any liberty of your county, but that you enter the same, and"] without delay, you cause to be delivered to the said A. B., by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said £—, together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us [or in the *Common Pleas* "to our Justices," or in the *Exchequer* "to the Barons of our Exchequer," as the case may be,] at Westminster immediately after the execution hereof, under your seal, and the seals of those by whose oath you shall make the said extent and appraisement, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

11.—*Writ of Elegit on a Rule for Payment of Money and Costs.*

Victoria, by the grace of God of the United Kingdom of

Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of —, greeting. Whereas lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] by a rule of the said Court, dated the — day of —, in the year of our Lord —, the sum of £— was ordered to be paid by C. D. to A. B., together with certain costs in the said rule mentioned, which said costs were afterwards, on the — day of —, in the year of our Lord —, taxed and allowed by our said Court at £—; and afterwards the said A. B. came into our said Court, and, according to the form of the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any one in trust for him, was seised or possessed of on the — day of —, in the year of our Lord —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums, together with interest upon the same at the rate of 4l. per centum per annum from the said — day of —, in the year of our Lord —, shall have been levied. Therefore we command you, that [if sued out of the Court of Exchequer, say "Therefore we command you, that you omit not, by reason of any liberty of your county, but that you enter the same, and"] without delay, you cause to be delivered to the said A. B., by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power which he might, without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of £—, and £—, together with interest, as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us [or in the *Common Pleas* "to our Justices," or in the *Exchequer* "to the Barons of our Exchequer," as the case may be,] at Westminster immediately upon the execution hereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

12.—*Writ of Elegit on a Judgment of an Inferior Court removed into one of the Superior Courts.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas A. B. lately in — (insert the style of the Court), by the judgment of the said Court recovered against C. D. £—, whereof the said C. D. is convicted: And whereas the said judgment was afterwards, on the — day of — in the year of our Lord — removed into our Court of Queen's Bench, [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] by virtue of an order of that our said Court [or "of —, one of the Justices of that our said Court," as the case may be,] in pursuance of the statute in that case made and provided, and the costs and charges attendant upon the application for the said order and upon the said removal were afterwards, on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] at £—; and afterwards the said A. B. came into that our said Court [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] and, according to the form of the statute in such case made and

provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said — day of — in the — year of our Lord aforesaid, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums, together with interest upon the same at the rate of 4l. per centum per annum from the said — day of — in the year of our Lord —, shall have been levied. Therefore we command you, that, [*If sued out of the Court of Exchequer, say*, "Therefore we command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] without delay, you cause to be delivered to the said A. B., by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any one in trust for him, was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums of £— and £—, together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us [*or in the Common Pleas* "to our Justices," *or in the Exchequer* "to the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

13.—*Writ of Elegit on a Rule or Order for Payment of Money made in an Inferior Court, and removed into one of the Superior Courts.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas lately in — [*insert the style of the Court*], by rule [*or "order"*] of the said Court, entitled, — [*as the case may be*], the sum of £— was by the said Court ordered to be paid by C. D. to A. B.; And whereas the said rule [*or "order"*] was afterwards, on the — day of — in the year of our Lord —, removed into our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be*,] by virtue of an order of that our said Court, [*or "of — one of the Justices of that our said Court," as the case may be*], in pursuance of the statute in that case made and provided, and the costs and charges attendant upon the application for the said last-mentioned order and upon the said removal were afterwards, on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be*,] at £—, and afterwards the said A. B. came into that our said Court, and, according to the form of the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said — day of — in the year of our Lord —, or at any time afterwards, or over which the said C. D. on the said — day of —, or at any time afterwards, had any disposing power, which he

might, without the assent of any other person, exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said two several sums, together with interest on the same at the rate of 4l. per centum per annum from the said — day of —, shall have been levied. Therefore we command you that, [*If sued out of the Court of Exchequer, say* "Therefore we command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] without delay, you cause to be delivered to the said A. B., by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any one in trust for him, was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said several sums of £— and £—, together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us [*or in the Common Pleas* "to our Justices," *or in the Exchequer*, "to the Barons of our Exchequer," *as the case may be*,] at Westminster immediately after the execution hereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

14.—*Writ of Elegit on a Rule or Order for Payment of Money and Costs made in an Inferior Court, and removed into one of the Superior Courts.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas lately in — [*insert the style of the Court*], by a rule [*or "order"*] of the said Court, entitled, — [*as the case may be*], the sum of £— was by the said Court ordered to be paid by C. D. to A. B., together with the costs of the said rule [*or "order"*], which said costs were afterwards, on the — day of — in the year of our Lord —, taxed and allowed by the said Court at £—: And whereas the said rule [*or "order"*] was afterwards, on the — day of — in the year of our Lord —, removed into our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be*,] by virtue of an order of that our said Court, [*or "of — one of the Justices of that our said Court," as the case may be*,] in pursuance of the statute in that case made and provided, and the costs and charges attendant upon the application for the said last-mentioned order, and upon the said removal, were afterwards, on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be*,] at £—; and afterwards the said A. B. came into our said Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be*], and, according to the form of the statute in such case made and provided, chose to be delivered to him all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D. or any person in trust for him was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold to him the said goods and chattels as his proper goods and chattels, and to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said three several sums, together with interest upon the same at the rate of 4l. per centum per annum, from the said — day of —,



shall have been levied. Therefore we command you, that, [*If sued out of the Court of Exchequer, say* "Therefore we command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] without delay you cause to be delivered to the said A. B., by a reasonable price and extent, all the goods and chattels of the said C. D. in your bailiwick, except his oxen and beasts of the plough, and also all such lands, tenements, rectories, tithes, rents, and hereditaments, including lands and hereditaments of copyhold or customary tenure, in your bailiwick, as the said C. D., or any person in trust for him, was seised or possessed of on the said — day of —, or at any time afterwards, or over which the said C. D. on that day, or at any time afterwards, had any disposing power, which he might, without the assent of any other person, exercise for his own benefit, to hold the said goods and chattels to the said A. B. as his proper goods and chattels, and also to hold the said lands, tenements, rectories, tithes, rents, and hereditaments respectively, according to the nature and tenure thereof, to him and to his assigns, until the said three several sums of £—, and £—, and £—, together with interest as aforesaid, shall have been levied. And in what manner you shall have executed this our writ make appear to us [*or in the Common Pleas, "to our Justices," or in the Exchequer, "to the Barons of our Exchequer," as the case may be,*] at Westminster, immediately after the execution hereof, under your seal and the seals of those by whose oath you shall make the said extent and appraisement, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

15.—*Writ of Capias ad Satisfaciendum on a Judgment for Plaintiff.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you [*If sued out of the Court of Exchequer, say,* "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] take C. D., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [*or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," as the case may be,*] at Westminster, immediately after the execution hereof, to satisfy A. B. £— [*the amount of all the monies recovered by the judgment*] which the said A. B. lately in our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be,*] recovered against the said C. D., whereof the said C. D. is convicted, together with interest upon the said sum, at the rate of 4l. per centum per annum, from the — day of —, in the year of our Lord —, on which day the judgment aforesaid was entered up, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

16.—*Writ of Capias ad Satisfaciendum on a Judgment for Defendant.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you take [*If sued out of the Court of Exchequer, say* "that you omit not by reason of any liberty of your county, but that you enter the same and take"] A. B. if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [*or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," as the case may be,*] at Westminster, immediately after the execution hereof, to satisfy C. D. £—, which lately in our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be,*] were awarded to the said C. D., for his costs of defence in an action lately prosecuted in our said Court by the said A. B. against the said C. D., whereof the said A. B. is convicted, together with interest upon the said sum at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, on which day the judgment aforesaid was entered up, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

17.—*Writ of Capias ad Satisfaciendum on a Rule for Payment of Money.*

Victoria, by the Grace of God of the United Kingdom of

Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you take [*If sued out of the Court of Exchequer, say* "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and take"] C. D., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [*or in Common Pleas "before our Justices," or in Exchequer "before the Barons of our Exchequer," as the case may be,*] at Westminster, immediately after the execution hereof, to satisfy A. B. £—, which lately in our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be,*] by a rule of our said Court, dated the — day of — in the year of our Lord —, were ordered to be paid by the said C. D. to the said A. B., and further to satisfy the said A. B. interest upon the said sum at the rate of 4l. per centum per annum from the day and year aforesaid, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

18.—*Writ of Capias ad Satisfaciendum on a Rule for Payment of Money and Costs.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you take [*If sued out of the Court of Exchequer, say* "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and take"] C. D., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [*or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," as the case may be,*] at Westminster, immediately after the execution hereof, to satisfy A. B. £—, which lately in our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be,*] by a rule of our said Court, dated the — day of — in the year of our Lord —, were ordered to be paid by the said C. D. to the said A. B., together with certain costs in the said rule mentioned, which said costs have been taxed and allowed by our said Court at £— [*the amount of the allocatur or allocatures, if more than one*], and further to satisfy the said C. D. the said last-mentioned sum, together with interest upon the said two several sums at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, on which day the said costs were taxed, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

19.—*Writ of Capias ad Satisfaciendum on a Rule for Payment of Costs only.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you take [*If sued out of the Court of Exchequer, say* "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and take"] C. D., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [*or in Common Pleas "before our Justices," or in Exchequer "before the Barons of our Exchequer," as the case may be,*] at Westminster, immediately after the execution hereof, to satisfy A. B. £—, for certain costs, which by a rule of our Court of Queen's Bench [*or "Common Pleas," or "Exchequer of Pleas," as the case may be,*] dated the — day of — in the year of our Lord — were ordered to be paid by the said C. D. to the said A. B., which said costs have been taxed and allowed by our said Court at the said sum, and further to satisfy the said C. D. interest upon the said sum, at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, and have you there then this writ. Witness — at Westminster, on the — day of — in the year of our Lord —.

20.—*Writ of Capias ad Satisfaciendum on a Judgment in an Inferior Court, removed into one of the Superior Courts.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the sheriff of — greeting. We command you, that you take [*If sued out of the Court of Exchequer, say* "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and take"] C. D., if he

shall be found in your bailiwick, and him safely keep, so that you may have his body before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," as the case may be,] at Westminster immediately after the execution hereof, to satisfy A. B. £—, which the said A. B. lately in — [insert the style of the writ], by the judgment of the said Court recovered against the said C. D., whereof the said C. D. is convicted, and which judgment was afterwards, on the — day of — in the year of our Lord — removed into our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] by virtue of an order of that our said Court [or "of — one of the justices of that our said court," as the case may be,] in pursuance of the statute in such case made and provided, and the costs and charges attendant upon the application for the said order and upon the said removal were on the — day of — in the year of our Lord — taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be] at £— and further to satisfy the said A. B. the said £—, together with interest upon the said two several sums at the rate of 4l. per centum per annum from — the said — day of — in the year of our Lord —, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

**21.—Writ of Capias ad Satisfaciendum on a Rule or Order of an Inferior Court for Payment of Money, removed into one of the Superior Courts.**

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you take [if sued out of the Court of Exchequer, say "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and take"] C. D., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [or in the Common Pleas "before our Justices," or in the Exchequer "before the Barons of our Exchequer," as the case may be,] at Westminster, immediately after the execution hereof, to satisfy A. B. £—, which lately in — [insert the style of the Court], by a rule [or "order"] of the said Court, entitled — [as the case may be], were ordered to be paid by the said C. D. to the said A. B., and which rule [or "order"] was afterwards, on the — day of — in the year of our Lord —, removed into our Court of Queen's Bench, [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] by an order of that our said Court [or "of — one of the Justices of that our said Court," as the case may be,] in pursuance of the statute in such case made and provided, and the costs and charges attendant upon the application for the said last-mentioned order and upon the said removal were on the — day of — in the year of our Lord — taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] at £— and also to satisfy the said A. B., the said £—, together with interest on the said two several sums at the rate of 4l. per centum per annum from the said — day of — in the year of our Lord —, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

**22.—Writ of Capias ad Satisfaciendum, on a Rule or Order of an Inferior Court for Payment of Money and Costs, removed into one of the Superior Courts.**

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that you take [if sued out of the Court of Exchequer, "We command you, that you omit not by reason of any liberty of your county, but that you enter the same, and take"] C. D., if he shall be found in your bailiwick, and him safely keep, so that you may have his body before us [or in Common Pleas, "before our Justices," or in Exchequer, "before the Barons of our Exchequer," as the case may be,] at Westminster, immediately after the execution hereof, to satisfy A. B. £—, which lately in [insert the style of the Court], by a rule [or "order"] of the said Court, entitled — [as the case may be], were by the said Court ordered to be paid by the said C. D. to the said A. B., and also £— for the costs of the said rule, by the said Court also ordered to be paid by the said C. D. to the said A. B., which said rule [or "order"] was afterwards, on the

— day of — in the year of our Lord —, removed into our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] by an order of that our said Court [or "of — one of the Justices of that our said Court," as the case may be,] in pursuance of the statute in such case made and provided, and the costs and charges attendant upon the application for the said last-mentioned order and upon the said removal were on the — day of — in the year of our Lord —, taxed and allowed by our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be] at £—, and also to satisfy the said A. B. the said £—, together with interest on the said three several sums at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

**23.—Writ of Habere Facias in Ejectment upon a Judgment by Default.**

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas A. B. lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be], by the judgment of the same Court, recovered possession of — [here describe the property as in the writ of ejectment, or if part only of the land has been recovered, describe such part as in the judgment], with the appurtenances, in your bailiwick: Therefore we command you, that, [if sued out of the Court of Exchequer, say "Therefore we command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] without delay, you cause the said A. B. to have possession of the said land and premises with the appurtenances. And in what manner you have executed this our writ make appear to us [or in Common Pleas, "to our Justices," or in Exchequer, "to the Barons of our Exchequer," as the case may be,] at Westminster, immediately upon the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of — in the year of our Lord —.

**24.—Writ of Habere Facias and Fieri Facias for Costs upon a Judgment for Plaintiff in Ejectment where Defendant has appeared.**

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. Whereas A. B., lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] recovered possession of — [here describe the property as in the writ of ejectment, or if part only of the land has been recovered, describe such part as in the judgment], with the appurtenances, in your bailiwick, in an action of ejectment at the suit of the said A. B. against C. D.; Therefore we command you, that, without delay, you cause the said A. B. to have possession of the said land and premises with the appurtenances; and we also command you, that [if sued out of the Court of Exchequer, say "and we also command you, that you omit not by reason of any liberty of your county, but that you enter the same, and that"] of the goods and chattels of the said C. D. in your bailiwick you cause to be made £—, which the said A. B. lately in our said court recovered against the said C. D. for the said A. B.'s costs of the said suit, whereof the said C. D. is convicted, together with interest upon the said sum at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, on which day the judgment aforesaid was entered up, and have that money and interest aforesaid in our said court immediately after the execution hereof, to be rendered to the said A. B.; and that you do all things as by the statute passed in the second year of our reign you are authorised and required to do in that behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas, "to our Justices," or in the Exchequer, "to the Barons of our Exchequer," as the case may be,] at Westminster, immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

**25.—Writ of Fieri Facias for Costs only on a Judgment for Plaintiff in Ejectment where Defendant has appeared.**

Victoria, by the grace of God of the United Kingdom of

Great Britain and Ireland Queen, Defender of the Faith; to the Sheriff of — greeting. We command you, that [if sued out of the Court of Exchequer, "we command you, that you omit not by reason of any liberty of your county, but that you enter the same, and"] of the goods and chattels of C. D. in your bailiwick you cause to be made £—, which A. B. lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be,] recovered against him, for the said A. B.'s costs of suit in an action of ejectment brought by the said A. B. against the said C. D. in that court, whereof the said C. D. is convicted, together with interest upon the said sum at the rate of 4l. per centum per annum from the — day of — in the year of our Lord —, on which day the judgment aforesaid was entered up, and have that money, with such interest as aforesaid, before us [or in the Common Pleas, "before our Justices," or in the Exchequer, "before the Barons of our Exchequer," as the case may be,] at Westminster, immediately after the execution hereof, to be rendered to the said A. B.; and that you do all things as by the statute passed in the second year of our reign you are authorised and required to do in that behalf. And in what manner you shall have executed this our writ make appear to us [or in the Common Pleas, "to our Justices," or in the Exchequer, "to the Barons of our Exchequer," as the case may be,] at Westminster, immediately after the execution hereof, and have you there then this writ. Witness — at Westminster, the — day of —, in the year of our Lord —.

### London Gazette.

FRIDAY, JANUARY 7.

#### BANKRUPTS.

**JAMES HOLLIDAY BOWEN**, Yarmouth, Suffolk, fishmonger, dealer and chapman, Jan. 20 at 11, and Feb. 24 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Barron, 15, Old Jewry-chambers.—Petition filed Jan. 6.

**GEORGE MILTON**, Elizabeth-terrace, Liverpool-road, Islington, Middlesex, builder and contractor, Jan. 13 and Feb. 18 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Rushbury, 2, Surrey-street, Strand.—Petition filed Dec. 28.

**JOHN EMMENS**, Elizabeth-street, Eaton-square, Middlesex, corn dealer, and hay and straw salesman, Jan. 18 at 2, and Feb. 15 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Newborn & Evans, 1, Wardrobe-place, Doctors'-commons, London.—Petition filed Jan. 4.

**SAMUEL BRADBURY**, Holborn-hill, Middlesex, cheesemonger, dealer and chapman, Jan. 14 and Feb. 19 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Pontefex & Mogenie, St. Andrew's-court, Holborn.—Petition dated Dec. 29.

**WILLIAM SHAW**, Lincoln, bookseller, stationer, toyman, and dealer in musical instruments, music, and fancy articles, dealer and chapman, Jan. 26 and Feb. 16, at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull. Off. Ass. Carrick; Sol. Tweed, Lincoln.—Petition dated Jan. 1.

**WILLIAM HOBLYN**, St. Blazey, Cornwall, draper and grocer, dealer and chapman, Jan. 18 at 11, and Feb. 10 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Elworthy, Plymouth, or Stogden, Exeter.—Petition filed Dec. 27.

**JOHN NIELD**, late of Lees, near Oldham, and Bank-mills, near Lees, Lancashire, woollen manufacturer, (now a prisoner in Lancaster Castle), Jan. 18 and Feb. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Dransfield, Huddersfield; Cobbett, Manchester.—Petition filed Dec. 29.

#### MEETINGS.

*John Simpson Leake*, Wheelock, Sandbach, Cheshire, salt merchant, Jan. 20 at 11, District Court of Bankruptcy, Liverpool, pr. d.—*Charles Arnold*, Watling-street, Cheapside, and Gracechurch-street, London, dealer in provisions, Jan. 21 at 11, Court of Bankruptcy, London, last ex.—*John Whitehead*, *John Whitehead* the younger, and *George Wyatt*, Princes-street, Lambeth, Surrey, rectifiers, Jan. 18 at 12, Court of Bankruptcy, London, last ex. of *John Whitehead* the elder.—*Joseph Osborne*, Leigh, Essex, butcher, Jan. 17 at 12, Court

of Bankruptcy, London, and. ac.—*John Winsar*, Salisbury, Wiltshire, apothecary, Jan. 27 at 12, Court of Bankruptcy, London, and. ac.—*John Dobson*, High Holborn, St. Giles-in-the-fields, Middlesex, mathematical drawing-instrument maker, Jan. 21 at 1, Court of Bankruptcy, London, and. ac.—*M. Hyich Jacobs*, Great Union-street, Borough-road, Surrey, glass dealer, Jan. 25 at 1, Court of Bankruptcy, London, and. ac.—*George Gardner*, Woolwich and Plumstead, Kent, ironmonger, Jan. 25 at 12, Court of Bankruptcy, London, and. ac.—*Michael Grouse* and *Daniel Coombe Sanders*, Oxford-street, Middlesex, tailors, Jan. 21 at 2, Court of Bankruptcy, London, and. ac.—*James Monkman*, Oldham, Lancashire, cotton spinner, Jan. 21 at 12, District Court of Bankruptcy, Manchester, and. ac.; Jan. 28 at 12, div.—*Thomas M'Cree* and *Andrew M'Cree*, Newcastle-upon-Tyne, grocers, Jan. 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Jan. 31 at half-past 11, div.—*George Siddall*, Chesterfield, Derbyshire, spindle manufacturer, Jan. 29 at half-past 11, District Court of Bankruptcy, Sheffield, and. ac.; at 12, div.—*John Labron*, Leeds, Yorkshire, cloth merchant, Jan. 20 at 11, District Court of Bankruptcy, Leeds, and. ac.—*John Reid*, Huddersfield, Yorkshire, merchant, Jan. 31 at half-past 11, District Court of Bankruptcy, Leeds, and. ac.—*Wm. Witty*, Louth, Lincolnshire, draper, Jan. 19 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*Stephen Charles Taylor*, The Crescent, New Peckham, Surrey, wine merchant, Jan. 29 at 2, Court of Bankruptcy, London, div.—*J. Moores* the younger, Aylesbury, Buckinghamshire, draper, Jan. 29 at half-past 2, Court of Bankruptcy, London, div.—*Charles Davy*, Brixton, Surrey, linendraper, Jan. 28 at 2, Court of Bankruptcy, London, div.—*Thomas Eason*, Milton-next-Sittingbourne, Kent, brewer, Feb. 3 at 12, Court of Bankruptcy, London, div.—*Daniel Keith* and *Thomas Shoobridge*, Wood-st., Cheapside, London, warehousemen, Jan. 28 at half-past 11, Court of Bankruptcy, London, div. sep. est. of *Thos. Shoobridge*.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*George Bolton*, Albany-street, Regent's-park, Middlesex, coachmaker, Feb. 1 at 12, Court of Bankruptcy, London.—*Geo. Smith*, Liverpool, tailor, Jan. 31 at 11, District Court of Bankruptcy, Liverpool.—*Amos Lumh Stocks*, Huddersfield, Yorkshire, draper, Jan. 28 at 11, District Court of Bankruptcy, Leeds.—*Geo. Siddall*, Chesterfield, Derbyshire, spindle manufacturer, Jan. 29 at 12, District Court of Bankruptcy, Sheffield.—*Wm. Thos. Carr*, Barnsley and Oughtibridge, Yorkshire, ironmonger, Jan. 28 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Stevens Tripp*, Serjeants'-inn, Fleet-street, London, money scrivener.—*Thomas Forshaw*, Birkenhead, Cheshire, master mariner.

#### PARTNERSHIP DISSOLVED.

*Joseph Thompson* and *John Clegg*, Bradford, Yorkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*Downie & Logan*, Edinburgh, brushmakers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Robert Haines Wood*, Cambridge, student of St. John's College, Jan. 21 at 12, County Court of Cambridgeshire, at Newmarket.—*Geo. Ives*, Rickingham Inferior, Suffolk, leather seller, Jan. 24 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Philip Miller*, Bury St. Edmund's, Suffolk, fruiterer, Jan. 24 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Simon Taylor*, Bury St. Edmund's, Suffolk, innkeeper, Jan. 24 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Robert Kirby* the elder, Wickham Market, Suffolk, out of business, Jan. 22 at 10, County Court of Suffolk, at Woodbridge.—*Robert Edwards*, Mendham, Suffolk, farmer, Jan. 17 at 1, County Court of Norfolk, at Harleston.—*Henry Battely*, Saxmundham, Suffolk, innkeeper, Jan. 20 at 12, County Court of Suffolk, at Halesworth.—*Charles Worth Pearce*, Dunnington, Yorkshire, apothecary,

Jan. 24 at 10, County Court of Yorkshire, at York Castle.—*Joseph Frisby*, Stamford, Lincolnshire, farmer, Jan. 24 at 10, County Court of Lincolnshire, at Stamford.—*Robt. Marshall*, Oxford, saddler, Jan. 24 at 11, County Court of Oxfordshire, at Oxford.—*Charles Broadist*, Oxford, cook, Jan. 24 at 11, County Court of Oxfordshire, at Oxford.—*John Scott*, Newcastle-upon-Tyne, labourer, Jan. 27 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Robt. Allcroft*, Newcastle-upon-Tyne, blacksmith, Jan. 27 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Charles Delatouche*, Bristol, tailor, Jan. 19 at 11, County Court of Gloucestershire, at Bristol.—*James Cheek*, Bristol, wheelwright, Jan. 19 at 11, County Court of Gloucestershire, at Bristol.—*Charles Hammond*, Kidderminster, Worcestershire, builder, Jan. 19 at 10, County Court of Worcestershire, at Kidderminster.—*George Henley*, Dudley, Worcestershire, fire-iron maker, Jan. 20 at 9, County Court of Worcestershire, at Dudley.—*Wm. Wacker*, Linstead, Kent, baker, Jan. 21 at 12, County Court of Kent, at Faversham.—*Wm. Wright*, Wednesbury, Staffordshire, out of business, Jan. 13 at 9, County Court of Staffordshire, at Walsall.—*John D. Wilkes*, Darlaston, Staffordshire, builder, Jan. 13 at 9, County Court of Staffordshire, at Walsall.—*James Mitchell*, Sheffield, Yorkshire, Jan. 20 at 12, County Court of Yorkshire, at Sheffield.—*Catherine Crump*, Overwood, Neen Savage, Shropshire, farmer, Jan. 20 at 2, County Court of Worcestershire, at Tenbury.—*Thomas Thorne the younger*, Hastings, Sussex, plasterer, Jan. 24 at 11, County Court of Sussex, at Hastings.—*James Smith*, Hastings, Sussex, perfumer, Jan. 24 at 11, County Court of Sussex, at Hastings.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

Jan. 21 at 11, before the CHIEF COMMISSIONER.

*Charles Lloyd*, Rose-cottages, Shrutland-road, Queen's-rd., Dalston, Middlesex, builder.

Jan. 21 at 10, before Mr. Commissioner LAW.

*George F. Martin*, Marchmont-street, Brunswick-square, Middlesex, furrier.

Jan. 22 at 11, before Mr. Commissioner PHILLIPS.

*Benjamin Thompson*, Queen's-road, Chelsea, Middlesex, bill discounter.—*Wm. Gray*, Church-street, Stoke Newington, oilman.—*O. C. Setchell*, Brunswick-square, Haggerstone, Middlesex, manufacturer of millinery.—*Joseph Altkins*, Lion-terrace, Bagnigge-wells-road, Middlesex, tailor.

Jan. 24 at 10, before Mr. Commissioner LAW.

*John Newman*, Molyneux-street, Edgeware-road, Middlesex, tailor.—*Edward H. Harwood*, Pollen-street, Hanover-square, Middlesex, shopman to a whip maker.

Jan. 24 at 11, before Mr. Commissioner PHILLIPS.

*Wm. M. R. Price*, Chancery-lane, London, and Orange-street, Red Lion-square, Middlesex, clerical tailor.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

Jan. 21 at 11, before the CHIEF COMMISSIONER.

*John Steadman*, Bull-and-Mouth-street, Newgate-street, London, engineer.

Jan. 21 at 10, before Mr. Commissioner LAW.

*Edwin Joseph Clark*, Queen's-terrace, Islington, Middlesex, out of business.

Jan. 22 at 11, before Mr. Commissioner PHILLIPS.

*Adjourned Case.*

*Wm. Burt*, South-terrace, Brompton, Middlesex, lieutenant in the Royal Navy.

Jan. 24 at 10, before Mr. Commissioner LAW.

*J. W. Dowlen*, Market-place, Finchley, Middlesex, grocer.—*Thomas Woodman*, Wood-street, Exmouth-street, Clerkenwell, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Jan. 22 at 10.*

*Clement Chapple*, Exeter, out of business.—*James William Turnbull*, Exeter, glove manufacturer.—*P. Taylor*, Devonport, master's assistant in the Royal Navy.

*At the County Court of Hampshire, at WINCHESTER, Jan. 22.*

*Daniel Fisher*, Winchester, gunner in the Royal Navy.—*Gaetano De Angelis*, Landport, near Portsmouth, band master in the 93rd Regiment of Foot.—*James Baker Moorman*, Cowes Roads, Isle of Wight, paymaster in the Royal Navy.—*Henry L. Bruyeres*, Basingstoke, out of business.

*At the County Court of Yorkshire, at YORK, Jan. 24.*

*Joseph Catherall*, Mann's Field, Holbeck, near Leeds, bricklayer.—*Wm. Staveley*, Clifton, near York, out of business.—*Wm. Etches*, Briggate, Leeds, watchmaker.—*James Booth*, Ovenden, near Halifax, out of business.—*G. Pearson*, Newland, Cottingham, near Hull, farmer's assistant.—*James Walker*, Leeds, salesman.—*Patrick Corcoran*, Leeds, white-smith.—*J. Turner*, Leeds, out of business.—*N. Nicholson*, Horsley, near Leeds, tailor.—*Thomas Howard*, Bowling, near Bradford, chemist.—*James Clarke*, Wakefield, cooper.—*John Rawson*, Northgate, Halifax, hatter.—*Peter Driver*, Bradford, auctioneer.—*Joseph Briggs*, Stanley-cum-Wrenthorpe, near Wakefield, farmer.—*Thomas Reynar*, Crofts, Rotherham, schoolmaster.—*Alexander Brown*, Briggate, Leeds, in no business.—*George Place*, Halifax, out of business.—*Benjamin Greenwood*, Bradford, worsted spinner.—*Joseph Greenwood*, Bradford, out of business.—*John Mitchell*, Leeds, out of business.—*William Johnson*, Westgate, Dewsbury, grocer.—*John Wood*, Liversedge, machine maker.—*Joseph Wood*, Liversedge, machine maker.—*Samuel Wood*, Liversedge, machine maker.—*Wm. Wood*, Liversedge, machine maker.—*Joseph Thornton*, Kirkstall, Kirkheaton, near Huddersfield, innkeeper.—*Wm. Lightfoot*, Leeds, dealer in malt.—*Benjamin B. Taylor*, Copriding, near Elland, out of business.—*Wm. Travis*, Low Ousegate, York, out of business.—*Wm. Hildyard*, York, clerk.—*James Smith Yates*, Leeds, out of business.—*John Ward*, Batley, near Dewsbury, general shop-keeper.—*James Stead*, Bradford, tea dealer.—*Wm. Sharp*, Low-town, Pudsey, near Leeds, out of business.—*David Cowling*, Silsden, near Keighley, wheelwright.—*R. Spilting*, Leeds, out of business.—*Wm. Owen*, Westgate, Dewsbury, blacksmith.—*Wm. Johnson*, Withernwick, Holderness, common carrier.—*Thomas Kershaw*, South Croasland, near Huddersfield, farmer.

*At the County Court of Carmarthenshire, at CARMARTHEN, Jan. 25 at 2.*

*Thomas Thomas*, Llandovery, victualler.—*John Williams*, Llandovery, innkeeper.—*W. Thomas*, Capelnewydd, Llanelly, house builder.

*At the County Court of Sussex, at LEWES, Jan. 25.*

*James Brook*, Hastings, carpenter.—*John Benstead*, Lewes, auctioneer.—*Wm. Antram*, Brighton, carpenter.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Jan. 27 at 10.*

*John Anderson*, Newcastle-upon-Tyne, out of business.

*At the County Court of Cornwall, at BODMIN, Feb. 2 at 10.*

*John Matthew*, Redruth, tailor.

## TUESDAY, JANUARY 11.

### BANKRUPTS.

**WILLIAM HENRY RAWLINGS**, Harpur-street, Red Lion-square, Middlesex, afterwards of Brownlow-street, Holborn, builder, Jan. 20 at 11, and Feb. 26 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Dodd, 36, Basinghall-street.—Petition dated Jan. 8.

**EDWARD BOOBY**, East Coker, Somersetshire, miller, dealer and chapman, Jan. 19 and Feb. 15 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Batten, jun., Yeovil; Stogdon, Exeter.—Petition filed Dec. 28.

## MARRIAGES.

*Jas. Tyars*, Padnal's-corner, near Romford, Essex, farmer, Jan. 28 at 1, Court of Bankruptcy, London, last ex.—*John Robinson*, Nassau-place, Commercial-road-east, and Cannon-street-road, Middlesex, wholesale clothier, Jan. 25 at 11, Court of Bankruptcy, London, last ex.—*Bethel Ware*, Tottenham-court-road, Middlesex, straw-bonnet manufacturer, Feb. 1 at 11, Court of Bankruptcy, London, aud. ac.—*Chas. Moody*, Goswell-road, Clerkenwell, Middlesex, pork butcher, Jan. 21 at 11, Court of Bankruptcy, London, aud. ac.—*Raley Middlewood* and *Allen Foster*, Leeds, Yorkshire, linendrapers, Jan. 21 at 12, Court of Bankruptcy, London, aud. ac.—*William White*, Winchester, Southampton, builder, Jan. 21 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Rowland Evans*, *John Foster*, *Skinner Zachary Langton*, and *Thomas Foster*, Barge-yard, Bucklersbury, London, East India merchants, Jan. 21 at half-past 11, Court of Bankruptcy, London, aud. ac.—*William Barleyman*, Feering, Essex, carpenter, Jan. 28 at 1, Court of Bankruptcy, London, aud. ac.—*Jos. Claridge*, Bristol, jeweller, Jan. 27 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*F. Lewin*, Ragland, Monmouthshire, engineer, Jan. 28 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Cornelius Brown*, Kingston-upon-Hull, flax spinner, Feb. 2 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and first and fin. div.—*C. Sewell Harris*, Liverpool, pawnbroker, Feb. 1 at 11, District Court of Bankruptcy, Liverpool, div.—*William Witty*, Louth, Lincolnshire, draper, Feb. 2 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Henry Day*, Parker-street, Drury-lane, Middlesex, coach wheelwright, Feb. 4 at half-past 11, Court of Bankruptcy, London.—*James Fell*, New-street, New-road, Hammer-smith, and *Pereira*, place, Shepherd's-bush, Middlesex, Feb. 4 at half-past 1, Court of Bankruptcy, London.—*James Thos. Wheatley*, Cranmer-place, Waterloo-bridge-road, Surrey, lighterman, Feb. 2 at half-past 1, Court of Bankruptcy, London.—*James Gasley*, King's Lynn, Norfolk, carpenter, Feb. 2 at 1, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*Philip Summers*, Tabernacle-walk, Finsbury, Middlesex, fancy printer.—*J. B. Armstrong*, Manchester, tailor.—*W. K. Broadhurst*, Fenton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer.—*Thomas Roberts*, Hunslet, near Leeds, Yorkshire, glass bottle maker.

## PARTNERSHIPS DISSOLVED.

*Thomas Cooper* and *B. Howlett*, Congleton, Cheshire, attornies, solicitors, and conveyancers, (under the style or firm of Cooper & Howlett).—*Edward Love Griffiths* and *Frederick Blake*, Newport and Cowes, Isle of Wight, Hampshire, attornies, solicitors, and conveyancers, (under the style or firm of Griffiths & Blake).

## SCOTCH SEQUESTRATIONS.

*James Pringle*, Edinburgh, draper.—*Alexander Dewar*, Glasgow, wine dealer.—*John Leven*, Edinburgh, writer to the signet.—*Wm. Orr & Co.*, Glasgow, warehousemen.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jonas Turner*, Hipperholme, Halifax, Yorkshire, stone delfer, Jan. 21 at 10, County Court of Yorkshire, at Halifax.—*David Evans*, Loughor, Glamorganshire, carpenter, Jan. 27 at 11, County Court of Carmarthenshire, at Llanelly.—*Edw. Horton*, West Bromwich, Staffordshire, whitesmith, Jan. 19 at 9, County Court of Staffordshire, at Oldbury.—*H. Plant*, West Bromwich, Staffordshire, out of business, Jan. 19 at 9, County Court of Staffordshire, at Oldbury.—*Geo. Mannings*, Cambridge, fishmonger, Jan. 24 at 10, County Court of Cambridgeshire, at Cambridge.—*John Elias*, Gloucester, carpenter, Jan. 27 at 10, County Court of Gloucestershire, at Gloucester.—*Isaac Hardman*, Cambridge, out of business, Jan. 24 at 10, County Court of Cambridgeshire, at Cambridge.—*Jane Hopkins*, widow, Cottenham, Cambridgeshire, licensed victualler, Jan. 24 at 10, County Court of Cambridgeshire, at

Cambridge.—*Richard Hawkins*, Ramsgate, Kent, stonemason, Jan. 18 at 10, County Court of Kent, at Ramsgate.—*Philip Hurcomb*, Oxford, printer, Jan. 24 at 11, County Court of Oxfordshire, at Oxford.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 26 at 11, before the CHIEF COMMISSIONER.*

*Wm. Dere*, Bowling-green-buildings, New-road, Marylebone, Middlesex, pie-shop keeper.—*J. Turner*, Theobald's-road, Middlesex, shoemaker.—*George F. Rolfe*, Hall-street City-road, Middlesex, pianoforte tuner.—*Godfrey T. Alger*, Old Gravel-lane, Wapping, Middlesex, coach painter.

*Jan. 26 at 10, before Mr. Commissioner LAW.*

*John G. Page*, Old-st., St. Luke's, Middlesex, chemist.

*Saturday, Jan. 8.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Havelock*, East Teignmouth, Devonshire, gentleman, No. 33,206 C.; Samuel Sturgis, new assignee; Charles Bruton and John C. Tozer, late assignees, removed.—*W. Taylor*, Moor Hey, near Oldham, Lancashire, silk stubber, No. 75,822 C.; James Schofield, assignee.

*Saturday, Jan. 8.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. M. Cowell*, High-st., Marylebone, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Wm. Platt*, Beaufort-buildings, Strand, Middlesex, working jeweller: in the Debtors Prison for London and Middlesex.—*Charles Ubdell*, Great Portland-st., Oxford-st., Middlesex, out of business: in the Queen's Prison.—*John Blackmur* the younger, Morpeth-terrace, Victoria-park, Hackney, Middlesex, timber merchant: in the Debtors Prison for London and Middlesex.—*James Carr*, Nelson-street, Hackney-road, Middlesex, printer: in the Debtors Prison for London and Middlesex.—*Frederick M. H. Sturt*, Arlington-street, Islington, Middlesex, East India army agent's clerk: in the Debtors Prison for London and Middlesex.—*Robert Webster*, Dame-street, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*George Levy*, Newington-causeway, Surrey, auctioneer: in the Gaol of Surrey.—*Wm. Watson Oldershaw*, Woodland-cottage, Wick-lane, Old Ford, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—*Francis Lagarde*, Taunton-mews, Dorset-sq., Middlesex, professor of languages: in the Debtors Prison for London and Middlesex.—*Christopher Martin*, Essex-st., Mare-st., Hackney, Middlesex, linendraper: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition.)*

*Timothy Fogarty*, Palace-st., Pimlico, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*William Antram*, Brighton, Sussex, carpenter: in the Gaol of Lewes.—*J. Dallas*, Blackburn, Lancashire, coach builder: in the Gaol of Lancaster.—*Jas. Brook*, Hastings, Sussex, carpenter: in the Gaol of Lewes.—*Chas. Carpenter*, Brighton, Sussex, tailor: in the Gaol of Lewes.—*Edward Rhoderick*, Dowlais, near Merthyr Tydvil, Glamorganshire, grocer: in the Gaol of Cardiff.—*Robert Bistly Williams*, Margam, Glamorganshire, tailor: in the Gaol of Cardiff.—*Peter Crook*, Moxley, near Bilston, Staffordshire, wheelwright: in the Gaol of Stafford.—*Wm. Hoult*, Belton, Leicestershire, farmer: in the Gaol of Leicester.—*John Henry Rayson*, Strood Hill, Strood, Kent, builder: in the Gaol of Maidstone.—*Thomas Hornsey*, York, plumber: in the Gaol of York.—*C. Boutell* the younger, Litcham, Norfolk, clerk: in the Gaol of Norwich.—*John Henry Badoock Gurney*, Penzance, Cornwall, attorney-at-law: in the Gaol of Bodmin.—*John Ludlam*, Hulme, Manchester, mechanic: in the Gaol of Lancaster.—

*John Shorters*, Walsall, Staffordshire, manufacturer of soda water: in the Gaol of Stafford.—*Jos. Bakewell*, Wakefield, Yorkshire, stonemason: in the Gaol of York.—*Geo. Barnes Canning*, Chelmsford, Essex, attorney's clerk: in the Gaol of Springfield.—*Wm. Gray*, Chorlton-upon-Medlock, Manchester, brewer: in the Gaol of Lancaster.—*Francis Blakey Henderson*, Monk Wearmouth, Durham, butcher: in the Gaol of Durham.—*Wm. King*, Chesham, Buckinghamshire, hay dealer: in the Gaol of Aylesbury.—*Peter Duckworth*, Manchester, general commission agent: in the Gaol of Lancaster.—*Henry M' Cann*, Manchester, painter: in the Gaol of Lancaster.—*Charles Marvin*, Hulme, Manchester, baker: in the Gaol of Lancaster.—*James Coulborn*, Manchester, tailor: in the Gaol of Lancaster.—*Wm. Hibbert*, Hulme, Manchester, furniture broker: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 25 at 11, before the CHIEF COMMISSIONER.*

*Sarah Jane Stabbins*, Lodge-road, Park-road, Regent's-park, Middlesex, in no business.—*Henry Tumbrell*, Lower-manh, Lambeth, Surrey, licensed retailer of beer.

*Jan. 27 at 11, before Mr. Commissioner PHILLIPS.*

*James Carr*, Nelson-street, Hackney-road, Middlesex, printer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Jan. 24 at 10.*

*George French*, Melbourn, bricklayer.

*At the County Court of Sussex, at LEWES, Jan. 25.*

*Charles Carpenter*, Brighton, staymaker.

*At the County Court of Staffordshire, at STAFFORD, Jan. 25 at 10.*

*Fred. Henshaw Cooper*, Wolverhampton, agent.—*Jeremy Hedges*, Handsworth, parochial constable.—*John Shorters*, Walsall, manufacturer of soda water.

*At the County Court of Gloucestershire, at GLOUCESTER, Jan. 27 at 10.*

*John Packer*, Cheltenham, farmer.

#### MEETINGS.

*Samuel Campbell*, Kirkdale, Liverpool, shipowner, Jan. 26 at 11, Miller & Peel's, Liverpool, sp. aff.—*Robert Bleackley*, Higher Broughton, Salford, Lancashire, bleacher, Jan. 28 at 11, Lord's, Rochdale, Lancashire, sp. aff.

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# The Jurist

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JAN. 22, 1853.

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LONDON, JANUARY 22, 1853.

In continuing our review of the Common-law Procedure Act, we resume the action of ejectment, first observing, that, since our last notice of the subject, the New Rules of Practice (published in our last number) have been issued by the judges. The following relate to ejectment:—

1st. No judgment, whether for want of appearance or defence, shall be signed without first filing an affidavit of service of the writ, together with a copy thereof; or, where personal service has not been effected, without first obtaining a judge's order or rule of Court authorising the signing of such judgment, which rule or order, or a duplicate thereof, is to be filed, together with a copy of the writ. (See sect. 177 of the act).

2ndly. Where a person not named in the writ has obtained leave to defend, he is to appear and give notice thereof to the plaintiff. (See sect. 172 of the act).

3rdly. If the plaintiff appears at the trial, and the defendant does not, the latter shall be taken to have admitted the plaintiff's title, and the verdict shall be entered for the plaintiff without producing any evidence, and he shall have judgment for his costs, as in other cases. (See sect. 183 of the act; *Regulæ Generales*, Hilary Term, 1853, rules 112—114).

The action of ejectment is not to abate by reason of

the death of one of several claimants or defendants, or, where the right survives, by reason of the death of a sole claimant or defendant; but the action may be continued either by entering a suggestion, or, in some cases, without doing so. (Sects. 190—199).

A claimant may discontinue his action by giving notice to that effect, and thereupon the defendant may sign judgment for costs. So, one of several claimants may discontinue upon terms, by leave of the court or a judge, and the action will then proceed at the suit of the other claimants. (Sects. 200, 201).

A defendant, or one of several defendants, may also confess the action, in which case the claimant will be entitled to costs. (Sects. 203—205).

In conformity with the course of practice adopted in other actions where the plaintiff fails to proceed to trial, it is enacted, that if, in ejectment, after appearance entered, (which is, in fact, joinder of issue in this action), the claimant, without going to trial, allows the time allowed for going to trial, by the practice of the Court, in ordinary cases, after issue joined, to elapse, the defendant may give twenty days' notice to the claimant to proceed to trial at the sittings or assizes next after the expiration of the notice; and if the claimant afterwards neglects to give notice for such sittings or assizes, or to proceed to trial, in pursuance of the defendant's notice, and the time is not duly ex-



tended, the defendant may sign judgment for costs. (Sect. 202. See sect. 101 as to the practice in this respect in other actions).

The effect of a judgment in ejectment under the new procedure is to be the same as it was formerly, (sect. 207); so that it will not be conclusive as to the title, though between the same parties, and it will still be necessary to bring an action of trespass for mesne profits, in order to recover the rents and profits of the land, except in cases between landlord and tenant under sect. 214.

Error may be brought in ejectment as in other actions, but execution is not to be stayed unless security is given in double the yearly value of the property and double the costs recovered by the judgment. (Sect. 208). In this section the following words have been left in by mistake—"or by consent, after a special case stated," and, "except in the case of such consent as aforesaid." (See Report of Commissioners, p. 59, and Appendix thereto, p. 80, and sect. 180 of the new act).

Every tenant, to whose knowledge a writ of ejectment shall come, shall forthwith give notice to his landlord, under penalty of forfeiting the value of three years' improved or rack rent of the premises to his landlord. (Sect. 209). We agree with the observation, that now, as the proceedings in ejectment are rendered intelligible, it is to be regretted that the writ does not contain a warning to the tenant of the penalty to which he is liable, unless he gives notice to his landlord. (Quain & Holroyd's edition of the new act, p. 154).

The next three sections (sects. 210—212) relate to proceedings in ejectment by a landlord for non-payment of rent, and are substantially re-enactments of sects. 2, 3, and 4 of the 4 Geo. 2, c. 28.

The next four sections (sects. 213—216) relate to ejectment by a landlord where a tenant holds over after the expiration or determination of his term, and are substantially re-enactments of sects. 1 to 4 of the 1 Geo. 4, c. 87. In sect. 213 some words are omitted by mistake, and it should read, "upon the appearance of the party, or (*in case of non-appearance*) on (*making*) an affidavit of service," &c., the landlord may apply for a rule or summons for the tenant to give bail.

The next section (sect. 217) relates to cases where the right of entry accrues in or after Hilary or Trinity Terms, and is substantially a re-enactment of the 11 Geo. 4 & 1 Will. 4, c. 70, s. 36.

Then come provisions for ejectment by a mortgagee, (sects. 219, 220), which are re-enactments of the 7 Geo. 2, c. 20, ss. 1, 3.

This finishes the proceedings in ejectment, and we will now briefly consider the remaining clauses, which are of a miscellaneous character.

With regard to judgments, they need not be entered on the roll for the purpose of execution, but an incipitur may be made as heretofore; they may be entered on the roll for the purpose of evidence, or of bringing error, or the like. (Sect. 206\*).

The most important section in the act is that which empowers the Courts, and every judge thereof, to make "*all such amendments in civil causes as may be*

*necessary for the purpose of determining in the existing suit the real question in controversy between the parties.*" (Sect. 222).

Power is given to the judges to make rules under the act—a power which, as we have seen, they have lately exercised. (Sects. 223—225).

Formerly an injunction had no effect upon an action, as a Court of common law would not notice it; (*Foreman v. Jayes*, 5 B. & Ad. 835); but now, upon the production of an injunction, proceedings are to be stayed. (Sect. 226).

Among the words mentioned in the interpretation clause, the only one calling for notice is "action," which is to mean "any personal action brought by writ of summons in any of the superior courts of common law." (Sect. 227). It will be observed, that in some sections (e. g. sect. 148) the word "cause" is used; in others (e. g. sect. 222) the expression "*civil causes*" is used, which will have a wider signification than the word "action," used in other sections, and defined as above in the interpretation clause.

The act, and rules made under it, may be applied, by Order in Council, to any court of record, (sect. 228); and certain provisions of it are extended to the Court of Common Pleas at Lancaster and the Court of Pleas at Durham. (Sects. 229—234).

The act is to be cited as "The Common-law Procedure Act, 1852." (Sect. 235).

It is not to extend to Ireland or Scotland, except in the cases specifically mentioned in the act. (Sect. 236). It will be remembered, that the clause relating to actions against British subjects residing out of the jurisdiction of the superior courts is expressly declared not to extend to Scotland or Ireland, (sect. 18); and it may be questionable whether *aliens* resident in either of those parts of the United Kingdom can be sued under the 19th section.

On a future occasion we shall consider the forms contained in the schedule to the act, together with the New Rules, and forms in the schedule thereto.

THE reluctance of a Court of equity to visit a trustee with all the consequences of his improper acts or defaults, with respect to the trust property, is most justly qualified by the consideration of the effect which may be produced upon the interest of the cestui que trust by the gratification of such a merciful disposition. Justice and mercy are somewhat strangely reconciled in the case of disregard of an express trust, which causes a loss to those beneficially interested.

If an executor be directed to put out surplus rents in the 4l. per Cents. until after the death of a person named, and then such sum as may be found to be divided among certain persons, that is an express trust for accumulation. And yet in such a case Sir Thomas Plumer, V. C., charged the executors, who had disobeyed the direction, only with the arrears of rent, and with the balances in their hands, and interest at 4l. per cent., without rests; but the executors were punished by being decreed to pay the costs of the subsequent inquiries as to the arrears of rent and balances in their hands, these being solely occasioned by their breach of trust. (*Tabbs v. Carpenter*, 1 Mad. 290).

\* This section has unaccountably crept in among the ejectment clauses, although applicable to all actions.

The Vice-Chancellor founded his decision upon a close review of the preceding authorities, all of which he considered supported his view, except *Raphael v. Boehm*, (11 Ves. 92; 13 Ves. 407, 590). But, unfortunately for the authority of his Honor's decision, *Raphael v. Boehm* was a case which received the deliberate consideration of Lords Loughborough, Eldon, and Erskine, who all approved of the principle, though the application of it was noticed to be severe, because half-yearly rests were there directed, instead of annual rests. The main ground of the decision in *Raphael v. Boehm* was the express trust for accumulation. Lord Eldon, on the last occasion on which the case came before him, referring to his previous judgment, is reported to have said, (13 Ves. 592), "My opinion was, that in the instance of an express trust to accumulate, the Court was required to see that the *cestuis que trust* were placed as near as possible in the situation in which they would have been if the trust had been executed."

We are glad to see this principle carried out by a judge with such comprehensive views of equity as the present Master of the Rolls. The question came before him recently in *Knott v. Cotes*, (16 Jur., part 1, p. 752). In that case there was an express trust to accumulate, which had been disobeyed. His Honor said—"This is the case of an executor who has a direct and positive trust to perform, which is, to invest and accumulate, at compound interest, the surplus income, after maintaining the family of the testator, and who has failed to perform this trust, but has made certain improper investments. . . . I do not think there is such misconduct as to induce the Court to charge him with 5½ per cent. He must, therefore, be charged with interest at 4½ per cent., . . . with annual rests, since he ought to have accumulated the surplus income: that was a trust which he ought to have performed. . . . Up to the present time the defendant must have his usual costs, as between solicitor and client, out of the estate."

Notwithstanding *Tobbs v. Carpenter*, which, as well as *Raphael v. Boehm*, was cited to Sir J. Romilly, M. R., on this occasion, we submit that his Honor's judgment is well grounded, for, among others, the following reasons:—

If a settlor or testator have a right to direct an accumulation, those who accept the execution of the trust created for that purpose, accept an obligation to effect the accumulation, if possible. When, with their eyes open, such trustees neglect to make the accumulation, there is an actual loss to that extent of the trust property which, but for their negligence, would have existed at the termination of the trust. It is not a vindictive proceeding, but simple justice to those beneficially interested, to compel the trustees to make up the trust fund to the required amount, and this is effected as nearly as possible by decreeing them to pay the capital, and interest thereon at 4½ per cent., with yearly rests. The question of the costs of trustees in such a case rests upon different considerations. In giving the trustee, who has been only negligent, his costs, the Court exercises its prerogative of mercy upon very reasonable grounds. The equity of the *cestuis que trust* to claim the costs of the proceedings to recover the accumulations against the trustees, is balanced

by the indisposition of the Court to make those, who have undertaken an onerous trust without reward, suffer too much by their negligent administration of it, in the absence of fraudulent intention. Even this is leaning greatly to the side of mercy, because the *cestuis que trust*, in most of these cases, may be little, if at all, to blame for the mal-administration of the trust, and in many may be positively unable, from ignorance or disability, to originate any means of prevention, and in all are driven into Chancery, because of the refusal of trustees to replace the fund. We are far, however, from desiring to blame this leniency. It would be a more dangerous error to punish the default of trustees too severely. But it seems to us that this is a sufficient shew of clemency, and that, unless the appointment of trustees is to be considered little better than an idle formality, this decision of Sir John Romilly, charging the trustees with the amount of the accumulated interest, is based upon a sound principle of equity, understanding that word in a wider sense than the merely technical rules which regulate the decisions of the Courts of Chancery.

#### THE CHURCHWARDENS ELECTION BILL.

In a bill introduced into the House of Lords in the Spring Session of 1852 we have another example of that deliberate and systematic attack, to which we have before called attention, on the system of local self-government—a system which has subsisted in this country for so many ages, and to which this country is indebted, even by the admission of M. Guizot, for the honour of giving to the world the first example of a great nation free and well governed\*; and for want of, or by the loss of which, we may add, the great bulk of the population of so many other European countries have sunk into the condition of cattle. To this condition, it appears, from the bill before us, taken in connexion with many other signs of the times, there are some influential individuals desirous of reducing the people of England.

This bill, which was presented by the Bishop of Salisbury, at the request of the Bishop of London, is intitled "An Act for regulating the Election of Churchwardens," and is, in fact, an act for destroying the last remains of what formed the great school for making Englishmen what they have so long been, in contradistinction to Frenchmen, Prussians, and Austrians, namely, the management by themselves of their parochial affairs. Like many acts of Parliament of late years, devised with a like purpose, this bill was brought in quietly, and would have passed unobserved, had not individual attention been called to it; and, to add to the evil, under the present practice it is always extremely difficult, and often quite impossible, for the public to become acquainted with the bills introduced in the House of Lords; so that a great part, if not the whole, of the fundamental laws of England may be swept away without one subject in a hundred thousand knowing anything of the matter until the mischief is done; or, at least, until it is too late to organise any opposition to the threatened evil†.

As the name of the officer called "churchwarden"

\* See his Life of Washington, sub init.

† It is a crying grievance that the bills introduced in the House of Lords are not printed for public sale.

might lead, perhaps, to the supposition that "the regulating the election of churchwardens" is a matter which properly falls within the province of the ecclesiastical authorities, and therefore that the Bishops of London and Salisbury were not wandering out of their own domains when they took upon them to introduce this bill, it may be proper to shew, on competent authority, what the law of England really is on this point; and in this we shall avail ourselves of an able analysis of this bill made by Mr. Toulmin Smith, as chairman of a committee appointed by the parish of Hornsey to take such measures as should seem to them the most effectual for calling public attention to the nature and consequences of this bill, which proposes serious innovations in the common law of the land, and in the rights and customs of parishioners and vestries, and for opposing its passing into a law.

"Parishes were instituted for the ease and benefit of the people, and not of the parson." (Per Holt, C. J., 3 Salk. 85).

"The churchwardens be officers put in trust for the behoof of their parish; therefore, also, they are not enabled with any other power than for the good and profit of the parish." (Lambard's Dutie of Churchwarden, 72).

"The office of a churchwarden itself is mere temporal." (13 Rep. 70).

"The churchwarden is an officer of the parish, and his misbehaviour will prejudice them, and not the archdeacon. It is an office *merely temporal*." (Per Holt, C. J., Ld. Raym. 138).

"The churchwarden is a *temporal officer*. He has the property and custody of the parish goods: *and as it is at the peril of the parishioners, so they may choose and trust whom they think fit*." (1 Salk. 166).

In the preamble of the bill it is declared, that "the present mode of electing churchwardens is attended with *inconvenience*, and it is expedient to alter the same." It is not declared to *whom* the inconvenience attaches. "There might," said Lord Hardwicke, "be an inconvenience on the other side, to say the power [even of adjourning a vestry] is lodged in the vicar; for he might make use of it to influence which churchwarden he thought fit, against the sense of the majority of the parishioners." (*Stoughton v. Reynolds*, Lee, t. Hardw., 276).

By sects. 2 and 3 it is enacted that all churchwardens shall be elected or appointed yearly, in Easter week, and that the office shall continue until the Easter following. The words "or appointed," in this clause, are important, as indicating the new mode of nomination or appointment to be substituted for the ancient free popular election.

The following quotations will shew how far these clauses will affect the present practice, and the rights and privileges of parishioners:—

"It was resolved by all the judges, that if two churchwardens are chosen for a term, as of two years, nevertheless the parishioners may, *at any time during the two years*, remove those wardens and choose new ones. For, if the wardens should waste the property, it would be great inconvenience if the parish could not remove them." (26 Hen. 8, 25).

"Although they (the churchwardens) be chosen for two years, yet, for cause, they (the parishioners) may displace them." (13 Rep. 70).

By the 4th section the act is to apply to all parishes in which there shall be a population exceeding two thousand.

The 5th section enacts that the rector, vicar, or perpetual curate of the parish, or his deputy, to be nominated by him in writing, shall be the chairman of every election to be made by virtue of this act. This goes much further than *Sturges Bourne's Act*, 58 Geo. 3, c. 69, which made such unconstitutional inno-

uations on the rights of parishioners, as guaranteed by the common law. The contrast\* between the spirit of too many recent acts, as well as the present bill, and the old common law of England, will be seen at once from the following authorities:—

Lord Hardwicke expressly said, in a celebrated case—"I do not find any resolution, or even opinion, to give the vicar a right of presiding. There is indeed a notion that he has a right to preside, but that has taken its rise from special vestries." (*Stoughton v. Reynolds*, Lee, t. Hardw., 276; S. C., Str. 1046).

"As to the vicar, he seems to have no share in the election [of churchwarden], nor to have any right to preside," &c. (Str. 1046).

"We must resort to the common right, which is in the whole assembly, where all are [that is, before the people were robbed of their common-law right by *Sturges Bourne's Act*] upon an equal foot." (Str. 1046).

"The parson, perhaps, has a right of sitting [as a member of vestry] from his freehold in the church; but I do not think that can any ways give him a greater right or authority than any of the other members of the assembly." (Per Lee, J., Fort. 172).

By sect. 6, the chairman, (that is, the parson), or his deputy, is to issue notice of election.

"The parson never summons the vestries, that being the office of the churchwardens." (Str. 1046).

Sect. 7 empowers the parson to nominate, in writing, the minister's warden, where there is one.

The practice of nominating a minister's warden was attempted to be enforced by canon 89 of the church, but those canons are not law. However, as has been shewn, churchwardens, by whomsoever appointed, can by the existing law be removed by the parishioners at any time. The present proposed act, and some other late ones, which expressly recognise and enforce a minister's warden, obviously have as their purpose to fix and extend the encroachment, and to take away this remedy of removal.

"The parson of the parish, [sought to affect an elected officer], by colour of a new canon, [one of the present canons of the church], which is *not of force to take away any custom*." (13 Rep. 70).

"If any canon be against the common law, &c., such canon is void," (Id. 47); "for no statute or custom of the realm can be taken away or abrogated by any canon." (Id. 17).

"In London both the churchwardens are appointed by the parish; but in other places the parson chooses one of them, and the parish another; but this is rather by custom than by the common law." (Per Holt, C. J., Ld. Raym. 138).

"Holt, C. J., held that, of common right, the choosing churchwardens belonged to the parishioners, though [in some parishes] the incumbent had got the power of electing one churchwarden by custom: of this opinion, likewise, was Lord Hale." (Fort. 170).

Sect. 8 enacts, that a nomination, in writing, of any churchwarden shall be sent to the parson or his deputy.

By sect. 9, the parson or his deputy is to send out voting papers, if the number of candidates shall exceed the number to be elected.

By sect. 10, the parson or his deputy is to have the casting vote.

Sects. 11 and 12 enact how the voting papers shall be signed, and that all shall be collected by the parson.

By sect. 13, the chairman or his deputy is to "disallow all such votes as he shall find to be invalid," and to "declare the result of the election by a notice under his hand."

\* This contrast may be further noted by comparing the modern Church Building Acts, 58 Geo. 3, c. 45; 59 Geo. 3, c. 134; 1 & 2 Will. 4, c. 38, &c., with the Church Building Act of the 10 Ann. c. 20.

The whole election is thus placed in the hands of the person, without check and without appeal, in direct opposition to the principles of the common law, and the uniform practice of centuries under that common law. Of course, the principles of the common law and the practice of centuries, in this respect, may have ceased to be expedient, and we shall be glad to see the proof of their having become so, and of the expediency of the proposed amendments, in the answer which, now that the public attention has been called to this extraordinary bill, must be given to the question, "On what grounds and for what purposes was the measure framed?"

### Correspondence.

#### STROUGHILL v. ANSTEY.

SIR,—I confess I do not share the alarm of your last week's correspondent at the decision in *Stroughill v. Anstey*, neither can I allow "that the principle on which Lord St. Leonard's put his judgment is, that persons dealing with trustees after a considerable lapse of time\* are bound to see that no breach of trust is being committed."

The decision rested on the ground, that under the testator's will the trustees were not justified in raising money by mortgage. That being so, it was of course but a secondary question, how money so received was to be applied. The rule laid down is very plain, and in full accordance with Lord Langdale's decision in *Halderby v. Spofforth*, "that though, where a power of sale is given for the purpose of raising a particular charge, and the estate itself is devised subject to that charge, it may be proper to raise the money by mortgage, and the Court will support it as a conditional sale, and within the power, yet, under a power of sale out and out, for a purpose beyond the raising of a particular charge, a mortgage is not authorised, but is rather contrary to the trusts for sale."

Your correspondent's assertion, that the present decision virtually overrules *Forbes v. Peacocke*, assumes as the point in that case what is denied to be so by Lord St. Leonard's, who observes, "The other cases rest on a totally different point, viz. the intention to confer the right to give receipts; and certainly they do not touch the present question. And as to *Forbes v. Peacocke*, it is quite a mistake to suppose that that was a trust executed at a distance of twenty-five years from the time when it arose, for it was executed at the time at which it did arise, which happened to be twenty-five years from the death of the testator†." The Lord Chancellor confirmed these cases, and cleared the rule from the doubt which the reporter's note to *Forbes v. Peacocke* might have thrown upon it, resting it on the satisfactory ground, "that when a testator by his will charges his estate with debts and legacies, there is, by implication, a declaration by the testator that he intends to intrust the trustees with the receipt and application of the money, and not to throw any obligation at all upon the purchaser. That intention remains just as much if there are no debts as if there are debts, because the power arises from the circumstance that the debts are provided for, there being in the very creation of the trust a clear indication by the testator that he means that the trustees are alone to receive the money and apply it."

\* Lord St. Leonard's added, "and without an apparent reason."

† [His Lordship seems to have misapprehended the meaning of the remark which has been made on the lapse of time in that case. The remarkable circumstance there was, that a charge of debts was held to operate as an authority to give receipts twenty-four years after the time when the debts should have been paid.—Ed.]

Your correspondent seems to object to the dictum, "that people who deal with trustees raising money at a considerable distance of time, and without an apparent reason for so doing, must be considered as under some obligation to inquire and look fairly what they are about." Whether a different rule ever prevailed or not, it was certainly neither established nor affected by *Forbes v. Peacocke*. The general rule, in fact, is, that where circumstances bear with them the appearance of fraud, persons dealing with trustees without inquiry will not be protected by a receipt clause, but will be deemed parties to the fraud. The Lord Chancellor thought *Stroughill v. Anstey* a case of this description, where for a great number of years the trusts remained unperformed, and parties being in possession of the rents of the trust property, an application was made of them without their concurrence. I apprehend there are few professional advisers who would not have judged it prudent to obtain that concurrence. The circumstances which must render inquiry necessary are those which will induce suspicion in the mind of a man of ordinary judgment; the amount of inquiry necessary must be such as will satisfy a man of ordinary judgment; this can never be exactly defined—it can only be partially indicated by successive judgments of the Court.

I am, Sir,  
Your obedient servant,  
B. A. F.

Lincoln's-inn, Jan. 18, 1853.

[We propose to take an early opportunity of examining the present state of the authorities on this question, in some detail.—Ed.]

### London Gazettes.

FRIDAY, JANUARY 14.

#### BANKRUPTS.

GEORGE BENJAMIN COSTERTON, Great Yarmouth, Norfolk, merchant, dealer and chapman, Jan. 24 at half-past 1, and Feb. 24 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Bell & Co., Bow-churchyard, London.—Petition filed Jan. 1.

JOHN LOCKYER, Clerkenwell-green, and St. John's-sq., Middlesex, metal, tool, steel, and iron warehouseman, Jan. 24 at 11, and Feb. 24 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Pearce, 2, Giltspur-st.—Petition filed Jan. 11.

BENJAMIN JAMES and THOMAS GIRDWOOD HARDIE, Newport, Monmouthshire, builders, Jan. 26 and Feb. 23 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bachelor, Newport; Bevan, Bristol.—Petition filed Jan. 8.

JOHN PETRIE, Plymouth and Devonport, Devonshire, confectioner, Jan. 20 and Feb. 17 at half-past 10, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sol. Elworthy, Plymouth.—Petition filed Jan. 5.

#### MEETINGS.

*Ibbes Wm. H. Brown*, Little Bowden, Northamptonshire, dealer in horses, Jan. 27 at 12, Court of Bankruptcy, London, ch. ass.—*Matthew Warren*, Macclesfield, Cheshire, silk dyer, Jan. 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 4 at 12, div.—*Richard Blundell*, Liverpool, distiller, Jan. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Richard Blundell*, Hooton, Cheshire, banker, Jan. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Ashley*, Liverpool, underwriter, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Timothy*, Liverpool, flour dealer, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Caldwell*, Shevington, Lancashire, coal proprietor, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas W. Sherland*, Liverpool, tea broker, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Roger Richards*, Wrexham, Denbighshire, chamist, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Avery* and *Samuel*

*Street*, Birkenhead, Cheshire, shipwrights, Jan. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Charles S. Harris*, Liverpool, pawnbroker, Jan. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Joseph Morse*, Neithorpe, Banbury, Oxfordshire, woolstapler, Feb. 5 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Hodsoll*, South Ash, Kent, farmer, Feb. 4 at 12, Court of Bankruptcy, London, div.—*Wm. Pike*, Reading, Berkshire, tobacconist, Feb. 8 at 1, Court of Bankruptcy, London, div.—*Joseph Cole*, Robert-street, Limehouse, Middlesex, victualler, Feb. 8 at 1, Court of Bankruptcy, London, div.—*Chas. Webb*, Oxford, apothecary, Feb. 4 at 11, Court of Bankruptcy, London, div.—*Edward Ritherdon*, Mill-wall, Poplar, Middlesex, shipbuilder, Feb. 8 at 12, Court of Bankruptcy, London, div.—*John Dobson*, High Holborn, Middlesex, mathematical drawing-instrument maker, Feb. 4 at 11, Court of Bankruptcy, London, div.—*Edward William Cherrill*, Ramsgate, Kent, cabinet maker, Feb. 4 at 11, Court of Bankruptcy, London, div.—*Philip Rufford*, *Francis Rufford*, and *Charles John Wragge*, Stourbridge, Worcestershire, bankers, Feb. 5 at 10, District Court of Bankruptcy, Birmingham, aud. ac., and Feb. 7 at 10, div. sep. est. of *Charles John Wragge*, and pr. d. joint est.—*Thomas Shaw*, Birmingham, stationer, Feb. 12 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Charles Frederick Bailey*, Burslem, Staffordshire, shoemaker, Feb. 7 at 10, District Court of Bankruptcy, Birmingham, div.—*Hugh Jones*, Chester, grocer, Feb. 4 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Green*, Harrow-road, Middlesex, builder, Feb. 4 at 2, Court of Bankruptcy, London.—*Joseph Osborne*, Leigh, Essex, butcher, Feb. 5 at 1, Court of Bankruptcy, London.—*Henry Hastings*, Cheltenham, Gloucestershire, grocer, Feb. 9 at 11, District Court of Bankruptcy, Bristol.—*John King*, Ryeford, Stonehouse, Gloucestershire, mealman, Feb. 8 at 11, District Court of Bankruptcy, Bristol.—*William Longson*, Heaton Norris, Lancashire, joiner, Feb. 4 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Robert Wilson*, Cambridge, grocer.—*Edward Winstanley* and *Henry George Winstanley*, Poultry, London, chemists.—*Robert Pitt*, East Donyland, Essex, shipowner.—*Richard Tansett*, Powis-street, Woolwich, and Bedford-terrace, Plumstead, Kent, builder.—*James Ferry Silby*, Poole, timber merchant.—*John Keddell*, Gravesend, Kent, brewer.—*Ann Puckett*, Melton-street, Euston-square, Middlesex, lodging-house keeper.—*Thomas Staley*, Stockport, Cheshire, grocer.—*George Clarke Pauling* and *Robert Chapman Sharp*, Manchester, merchants.—*Charles Henry Canning*, Birmingham, draper.—*Robert Shelton*, Wellington, Shropshire, saddler.—*Charles White Cross*, Birmingham, surgeon.—*Thomas James*, Rushall, Staffordshire, miller.—*Jas. Marlow*, Walsall, Staffordshire, ironfounder.—*Thomas Bell* and *Ambrose Champ*, Liverpool, provision dealers.

#### PARTNERSHIPS DISSOLVED.

*Gardiner Chapman* and *Henry Hansell*, Norwich, attorneys and solicitors.—*Jas. Willis Brooks* and *Charles Jas. Whalley*, Gray's-inn-square, Middlesex, attorneys and solicitors, (under the firm or style of Brooks & Whalley).

#### SCOTCH SEQUESTRATIONS.

*Thos. Hamilton*, Edinburgh, wood merchant.—*John Henderson*, Dunfermline, bookseller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Heighway*, Dorrington, Shropshire, innkeeper, Jan. 25 at 10, County Court of Shropshire, at Shrewsbury.—*Jonathan Munn*, King's Langley, Hertfordshire, out of business, Jan. 21 at 10, County Court of Hertfordshire, at Walford.—*Jos. Bedford*, Chatteris, Isle of Ely, Cambridge-shire, victualler, Jan. 29 at 12, County Court of Cambridge-shire, at March.—*Wm. Rawkinson*, Hughendon, Buckingham-shire, farmer, Jan. 18 at 11, County Court of Buckingham-shire, at High Wycombe.—*Abraham Whillaw*, Bristol, teacher of music, Jan. 19 at 11, County Court of Gloucester-

shire, at Bristol.—*Joseph Humphreys*, Chester, lay clerk, Jan. 28 at half-past 10, County Court of Cheshire, at Chester.—*Thos. Povall*, Tarporley, Cheshire, corn dealer, Jan. 27 at 11, County Court of Cheshire, at Nantwich.—*Wm. Henry Webber*, Exeter, commercial traveller, Jan. 29 at 10, County Court of Devonshire, at Exeter.—*Hugh West*, Otley, Yorkshire, millwright, Feb. 21 at 10, County Court of Yorkshire, at Otley.—*James Woods Turfill*, Kenton, Suffolk, shopkeeper, Jan. 21 at 10, County Court of Suffolk, at Framlingham.—*Wm. Mallinson*, Grange, Kirkburton, Yorkshire, manufacturing chemist, Jan. 31 at 10, County Court of Yorkshire, at Huddersfield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 28 at 11, before the CHIEF COMMISSIONER.*

*Robert Morrison*, Manchester-st., Portman-square, Middlesex, clerk in the Audit-office, Somerset-house.—*R. Barnes*, St. George's-terrace, Kilburn, Hampstead, Middlesex, greengrocer.

*Jan. 28 at 10, before Mr. Commissioner LAW.*

*William Chas. Woolverton*, Albion-place, Deptford-road, Rotherhithe, Surrey, shoemaker.—*Thos. Slater*, Brick-street, Piccadilly, Middlesex, tailor.

*Jan. 29 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Langton*, West-st., Devonshire-st., Bethnal-green, Middlesex, excavator.—*Henry John Willway Pallin*, Dorset-crescent, St. Leonard's, Shoreditch, Middlesex, brush maker.—*Wm. Stedman*, Surrey-st., Croydon, Surrey, baker.—*Geo. Bernard Hayward*, Curtain-road, near Worship-st., Shoreditch, Middlesex, sofa manufacturer.

*Jan. 31 at 10, before Mr. Commissioner LAW.*

*Charles Minors Collett*, Holborn-hill, London, solicitor.—*John Faulke*, Blackmoor-street, Drury-lane, Westminster, assistant to a cheesemonger.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 28 at 11, before the CHIEF COMMISSIONER.*

*James H. Andrews*, Ponsonby-terrace, Vauxhall-bridge-rd., Middlesex, attorney-at-law.

*Jan. 31 at 10, before Mr. Commissioner LAW.*

*Thomas Wm. Allen*, St. George's-road, Southwark, Surrey, out of business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Richard Shepherd*, Dalton-in-Furness, near Ulverston, out of business, No. 75,845; *James Wearing*, assignee.—*William Taylor*, Moor Hey, near Oldham, silk slubber, No. 75,882; *James Schofield*, assignee.—*Edward Henry Nolan*, Polygon, Lower Broughton, Salford, dissenting minister, No. 75,843; *Edward Jones*, assignee.—*Robert Bleackley*, Higher Broughton, butcher, No. 75,893; *Thomas Cass*, assignee.—*Susy Sutcliffe*, widow, Colne, No. 75,792; *Moses Sutcliffe*, assignee.—*James Whittle*, Chorley, joiner, No. 75,944; *Wm. Rutherford*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, Jan. 25 at 10.*

*Daniel Herbert*, Shrewsbury, innkeeper.—*Richard Corbett*, Newport, in no business.

*At the County Court of Lancashire, at LANCASTER, Jan. 28 at 11.*

*Wm. H. Syddall*, Longsight, near Manchester, out of business.—*John Jackson*, West Houghton, butcher.—*Wm. Hibbert*, Hooley-hill, near Ashton-under-Lyne, out of business.—*James Yates*, Prescot, out of business.—*Chas. Dransfield*, Manchester, out of business.—*Thomas Baron*, Levenshulme, near Manchester, out of business.—*John Bingham*, Denton,

near Manchester, out of business.—*John Dallas*, Blackburn, out of business.—*Henry Lightbown*, Blackburn, out of business.—*John Ludlam*, Hulme, Manchester, mechanic.—*Isaac Fletcher*, Ulverston, millwright.—*William Gray*, Manchester, out of business.—*Charles Marvin*, Hulme, Manchester, out of business.—*Benjamin Lowe*, Oldham, joiner.—*Wm. Heyes*, Blackburn, butcher.—*James Coulborn*, Chorlton-upon-Medlock, Manchester, tailor.—*Peter Duckworth*, Manchester, dyer.—*Henry McCann*, Manchester, plasterer.—*Richard Lucas*, Middleton, near Manchester, painter.—*T. Edwards*, Liverpool, out of business.

At the County Court of Warwickshire, at COVENTRY, Jan. 31 at 12.

*John Cullissale*, Birmingham, ironfounder.—*John Mansfield*, Burton-upon-Trent, Staffordshire, machinist.

## TUESDAY, JANUARY 18.

### BANKRUPTS.

ROBERT FERDINAND PRIES, Crosby-hall-chambers, Bishopgate-street Within, London, merchant, dealer and chapman, Jan. 28 at 11, and Feb. 28 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Van Sandau & Cumming, King-street, Cheapside, London.—Petition filed Jan. 10.

JAMES FORD, Wolverhampton, Staffordshire, cattle dealer, dealer and chapman, Jan. 29 and Feb. 19 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hayes, Wolverhampton.—Petition dated Jan. 18.

THOMAS CAUNT, Newark-upon-Trent, Nottinghamshire, coal merchant and carrier, Jan. 28 and Feb. 18 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Bittleston; Sols. Hodgkinson, Newark-upon-Trent; Rawlins & Rowley, Birmingham.—Petition dated Jan. 10.

STEPHEN EVANS, Troedyrhiw, near Merthyr Tydál, Glamorganshire, grocer and draper, dealer and chapman, Feb. 1 and March 1 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Prideaux, Bristol.—Petition filed Jan. 8.

PETER THORNTON, Preston, Lancashire, plumber, glazier, and paperhanger, Jan. 28 and Feb. 18 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Dodge, Liverpool.—Petition filed Jan. 12.

### MEETINGS.

*Spencer Ashlin*, Eastcheap, London, corn factor, Jan. 28 at 11, Court of Bankruptcy, London, pr. d.—*Richard Ellis*, Dean-st., Southwark, Surrey, provision broker, Jan. 31 at half-past 11, Court of Bankruptcy, London, ch. ass.—*Thomas Melley*, Bermondsey-st., Bermondsey, Surrey, and Bristol, horse-hair manufacturer, Jan. 27 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Cam Monkhous*, Aberystwith, Cardiganshire, wine merchant, Jan. 28 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Benjamin Balls*, Birmingham, perfumer, Jan. 29 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*John Willmore*, Leicester, woollendrapery, Jan. 28 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Frederick Collier Christy*, *Frederick Adams*, and *James Powell Hill*, Rotherhithe, Surrey, engineers, Feb. 8 at 1, Court of Bankruptcy, London, fin. div.—*Edw. Winstanley* and *Henry G. Winstanley*, Poultry, London, chemists, Feb. 4 at 11, Court of Bankruptcy, London, div. sep. est. of *Edward Winstanley*.—*Wm. Neil Monies*, Liverpool, spirit merchant, Feb. 8 at 11, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Geo. Page*, James-street, Bethnal-green, Middlesex, coach proprietor, Feb. 8 at 11, Court of Bankruptcy, London.—*R. Bell*, Liverpool, merchant, Feb. 8 at 11, District Court of Bankruptcy, Liverpool.—*John Patterson*, Atherstone, Warwickshire, market gardener, Feb. 12 at 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Thomas Spurgin*, Road-side, Mile-end-road, Middlesex, victualler.—*Edward Nicholls*, Stourbridge, Old Swinford, Worcestershire, licensed victualler.—*Wm. Fawcner*, Kidderminster, Worcestershire, licensed victualler.—*John Guest*, Banke, Staffordshire, licensed victualler.

### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*James Thomson*, Liverpool, travelling linendraper, Jan. 24 at half-past 10, County Court of Lancashire, at Liverpool.—*David Tob*, Leigh-street, Lancashire, watch jeweller, Jan. 24 at half-past 10, County Court of Lancashire, at Liverpool.—*Godfrey Mathews*, Liverpool, master mariner, Jan. 24 at half-past 10, County Court of Lancashire, at Liverpool.—*Henry Matthews*, Burton-upon-Trent, Staffordshire, teacher of music, Feb. 7 at 11, County Court of Staffordshire, at Burton.—*H. Adolphus Port*, Burton-upon-Trent, Staffordshire, hairdresser, Feb. 7 at 11, County Court of Staffordshire, at Burton.—*R. Waldren*, Cliddesden, Southampton, cordwainer, Feb. 5 at 10, County Court of Hampshire, at Basingstoke.—*Geo. Hall Heyward*, Manchester, out of business, Feb. 7 at 11, County Court of Lancashire, at Manchester.—*Robert Borrett*, Stradbroke, Suffolk, blacksmith, Jan. 28 at 11, County Court of Suffolk, at Eye.—*John Hargreaves*, Keighley, Yorkshire, greengrocer, Feb. 23 at 11, County Court of Yorkshire, at Keighley.—*Wm. Chessman*, Odiham, Southampton, baker, Feb. 5 at 10, County Court of Hampshire, at Basingstoke.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 2 at 11, before the CHIEF COMMISSIONER.

*Mary Hollis*, widow, High-street, Woolwich, Kent, dealer in milk.—*Charles C. Müller*, Fenton-place, Walworth, Newington, Surrey, dealer in shares.—*Wm. Usher*, Newcastle-court, Strand, Middlesex, painter.

Feb. 2 at 10, before Mr. Commissioner LAW.

*Thomas Taylor*, Clapham Rise, Clapham, Surrey, commission agent.—*Robert Mackie*, Charles-place, Prince of Wales-road, Kentish-town, Middlesex, pianoforte tuner.

Saturday, Jan. 15.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Thomas T. Bayly*, Swinton-street, Gray's-inn-road, Middlesex, commission agent, No. 63,362 T.; J. Finlay, assignee.—*Richard Shepherd*, Dalton-in-Furness, near Ulverstone, Lancashire, joiner, No. 75,845 C.; James Wearing, assignee.

Saturday, Jan. 15.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Thomas Cooper*, High Holborn, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles James Potter*, Tachbrook-street, Pimlico, Middlesex, locksmith: in the Debtors Prison for London and Middlesex.—*Amelia Heald*, Mortimer-street, Cavendish-square, Middlesex, dressmaker: in the Debtors Prison for London and Middlesex.—*Thomas Fowler*, Fleet-lane, Farringdon-street, London, baker: in the Debtors Prison for London and Middlesex.—*Walter Blount*, Birmingham, attorney-at-law: in the Queen's Prison.—*Taleb Bokhal*, Mansell-street, Goodman's-fields, Middlesex, merchant: in the Queen's Prison.—*David Allen*, Tottenham-street, Fitzroy-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Hare Holmes*, Grosvenor-villas, Loughborough-road, Brixton, Surrey, in no trade: in the Gaol of Surrey.—*Susan L. Campbell*, Grosvenor-villas, Loughborough-road, Brixton, Surrey, spinster: in the Gaol of Surrey.—*John D. Johnstone*, Grosvenor-villas, Loughborough-road, Brixton, Surrey, attorney: in the Gaol of Surrey.—*Richard W. Webb*, Loughborough-road, Brixton, Surrey, attorney-at-law: in the Queen's Prison.—*Joseph Clark*, Aylesbury-street, Clerkenwell, Middlesex, pork butcher: in the Debtors Prison for London and Middlesex.—*Charles Bindley*, Albion-street, Baywater-road, Middlesex, animal portrait painter: in the Debtors Prison for London and Middlesex.—*Reuben Brooks*, Brixton Oval, Brixton, Surrey, picture dealer: in the Queen's Prison.—*Edward*

*Ingram*, Shadwell High-street, Middlesex, poulterer: in the Debtors Prison for London and Middlesex.—*George F. Wallington*, Gough-street, Calthorpe-street, Gray's-inn-rd., Middlesex, baker: in the Debtors Prison for London and Middlesex.—*S. Cooper*, Ashton-under-Lyne, Lancashire, carter and excavator: in the Gaol of Lancaster.—*Chas. Dransfield*, Manchester, lodging-house keeper: in the Gaol of Lancaster.—*William Heyes*, Blackburn, Lancashire, butcher: in the Gaol of Lancaster.—*Benjamin Lowe*, Oldham, Lancashire, grocer: in the Gaol of Lancaster.—*Richard Lucas*, Middleton, Lancashire, plumber: in the Gaol of Lancaster.—*H. Lightbown*, Blackburn, Lancashire, painter: in the Gaol of Lancaster.—*John Robinson* the younger, King's Lynn, Norfolk, baker: in the Gaol of Norwich.—*Peter Webster*, Kingston-upon-Hull, blacksmith: in the Gaol of Kingston-upon-Hull.—*J. Yates*, Prescott, Lancashire, farmer: in the Gaol of Lancaster.—*Charles Balls* the younger, Hockley-hill, Handsworth-juxta-Birmingham, Staffordshire, grocer: in the Gaol of Coventry.—*James Brown*, Cheltenham, Gloucestershire, cordwainer: in the Gaol of Gloucester.—*Joseph Coulson*, Kingston-upon-Hull, butcher: in the Gaol of Kingston-upon-Hull.—*Richard Nicholls*, Devonport, Devonshire, inspector of shipwrights: in the Gaol of St. Thomas the Apostle.—*Richard Parr*, Nottingham, builder: in the Gaol of Nottingham.—*J. Simons*, Stretton, near Pailton, Warwickshire, farmer: in the Gaol of Coventry.—*Richard Corbett*, Newport, Shropshire, licensed retailer of wines: in the Gaol of Shrewsbury.—*John Smith*, Wellington, Shropshire, out of business: in the Gaol of Shrewsbury.—*John Flint*, Bramley, near Leeds, Yorkshire, grocer: in the Gaol of York.—*John Pearson*, Shipley, near Leeds, Yorkshire, grocer: in the Gaol of York.—*John Culliss*, Birmingham, ironfounder: in the Gaol of Coventry.—*Cotnam Fields*, Holbeach, Lincolnshire, tailor: in the Gaol of Lincoln.—*James Morrish*, Exeter, Devonshire, farmer: in the Gaol of St. Thomas the Apostle.—*Robert Tucker*, Ashcott, near Glastonbury, Somersetshire, attorney: in the Gaol of Wilton.—*James Webb Atkins*, Rodborough, near Stroud, Gloucestershire, farmer: in the Gaol of Gloucester.—*Robert P. Bacon*, Great Yarmouth, Norfolk, batter: in the Gaol of Norwich.—*James Dewhurst*, Southport, Lancashire, butcher: in the Gaol of Lancaster.—*Owen H. Thomas*, Holyhead, Anglesey, bookbinder: in the Gaol of Beaumaris.—*Anthony Stark*, Five Houses, near Trundon, Durham, publican: in the Gaol of Durham.—*John Shankley*, New Durham, near Durham, gardener: in the Gaol of Durham.—*Thomas Turner*, Sedlescomb, Sussex, victualler: in the Gaol of Lewes.—*John Wood*, South Shields, Durham, shoemaker: in the Gaol of Durham.

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 3 at 11, before Mr. Commissioner PHILLIPS.*

*George Guiver*, White Webbs, Enfield, Middlesex, retailer of beer.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cornwall, at BODMIN, Feb. 2 at 10.*  
*John H. B. Gurney*, Penzance, attorney-at-law.

**THE COMMON-LAW RULES.**—The Common-law Rules, which appeared in our number of last week, had certain portions distinguished by being printed in italics; this arose from their having been copied from the official paper, in which those portions were so marked for the convenience of the judges, in distinguishing the old from the new matter.

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# The Jurist

No. 838—VOL. XVII.

JAN. 29, 1853.

Price 1s., with Supplement, 2s.

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LONDON, JANUARY 29, 1853.

THE decision pronounced in a very recent case (not yet reported) by Sir W. P. Wood, V. C., on the construction of the late Evidence Act, to the effect that a plaintiff in equity may examine a substantial defendant without losing his right to a decree against him, is of great practical importance; not that it has at all taken the Profession by surprise; on the contrary, we believe the almost universal opinion of the Profession was in favour of that construction of the statute. But until there was a decision on the subject—and until the case before Sir W. P. Wood, V. C., there was no express decision—the boldest practitioners scarcely dared to venture on the experiment of examining a defendant, except in the case where no decree was wanted against that defendant, and losing it against him did not prejudice the plaintiff's right to a decree against other defendants. Now, however, there is no danger in any case of losing the right to a decree, if we understand correctly the scope of the Vice-Chancellor's decision, which seems to us to go the whole length of saying, that a plaintiff may examine a sole defendant without losing his right to a decree against him. This is unquestionably in accordance with the practice at law, where plaintiff and defendant examine each other and themselves, without the slightest detriment to the right of either to a verdict. Indeed, in a recent case at law, an individual, of some celebrity as a litigant, was his own counsel; opened his own case as counsel for himself; put himself into the witness box as a witness, and gave his own evidence in his own behalf; and then stepping out of the witness box, as counsel for himself, argued upon his own evidence; and it was ruled that his evidence was regularly given, and admissible.

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So every day, at law, the plaintiff examines the defendant, and no one ever dreamed of saying that he thereby excluded himself from the right to a verdict, if the evidence justifies a verdict. That being so, it would be inconceivable why the statute, making no express exception in regard to proceedings in equity, should not be construed in equity as it is at law. In point of principle, there is much more ground for founding a decree in equity, upon the examination of the defendant, than there is at law; because at law, until the late statute, such a thing as examining a party was unknown; but in equity the defendant really has always been examined upon his oath, and thousands of decrees have been taken founded on the mere answer of the defendant. It is idle to attempt to distinguish between the answer of a defendant as discovery, and his examination as a witness. Such a distinction has no substance; it is purely verbal and technical. What can it matter, in point of principle, whether, charging a defendant with fraud, you interrogate him by the bill, and force him to put in an answer admitting the fraud; or whether, not interrogating him by the bill, you call him as a witness, and require him, on oath, to say whether he has or not committed the alleged fraud? Either way you require and obtain from him a statement, which is, to all intents and purposes, testimony given by himself against himself; and it is truly marvellous that there should ever have been such a distinction in Chancery as this, that you might, by your bill, interrogate a defendant, and obtain a decree against him on his admission, but you could not, after issue joined, interrogate him by a separate interrogatory without forfeiting the decree against him.

Another point of some importance, on the practice



in equity as to evidence, occurred also recently before Vice-Chancellor Stuart, though we believe no express decision was pronounced upon it. The question was, whether a witness (examined under the old practice upon interrogatories) could be permitted to be re-examined to correct some error in his evidence. This would, according to the old practice, have been a terrible indulgence—a something fraught with danger to the rights of mankind; but, under the new practice, the Vice-Chancellor doubted, not so much whether the application ought to be entertained, as whether there was any use in refusing it, inasmuch as the Court, being at liberty, and being therefore bound, in a proper case, to examine witnesses orally at the hearing, the Court could hardly, when the cause came to a hearing, have refused to examine the witness, upon the allegation that he had made some mistake in his former testimony; and that, in fact, the truth could not be before the Court unless he was re-examined.

The practice on evidence seems, in truth, to be rapidly approaching the point which we have so often urged in this journal as desirable, viz. that all notions of inadmissibility of evidence should be discarded, and that credibility should be the only thing looked at. Interest is no longer an objection; being a party is no longer an objection; plaintiffs may examine defendants and themselves; defendants may examine plaintiffs and themselves, and may examine each other. There remains but to abolish the somewhat absurd and very useless notions, about not permitting leading questions; and, with the single exception of not examining husband and wife for or against each other, the sole exception with which we do not quarrel, there will then remain scarcely any objection to any evidence on the ground of admissibility.

#### DIRECTIONS TO THE MASTERS, AND TABLE OF COSTS,

SETTLED BY THE JUDGES IN HILARY TERM, 1853.

1. BETWEEN the 1st day of September and the 24th day of October in each year, one of the Masters of the Courts of Queen's Bench, Common Pleas, or Exchequer shall have authority to tax bills of costs, take references, and perform other necessary and immediate matters arising in or appertaining to any or either of the said courts, at the office of his own court; and for such purpose one of the Masters shall attend on certain days in each week, as may be found necessary, and of which due notice shall be affixed in the judges' chambers, and in the respective offices of the Masters of each court; and such Master shall be considered as the Vacation Master.

2. In order to diminish as much as possible the costs arising from the copying of documents to accompany the briefs of counsel, the Masters are to allow only the copying of such documents, or such parts of documents, as they may consider necessary for the instruction of counsel, or for use at the trial.

3. No fee to counsel to be allowed on writs of trial, except on trials before the judge of the Sheriff's Court of London, or of other courts of record where attorneys are not allowed to practise, and then one guinea only.

4. The Masters in all cases shall have discretion to allow, as between party and party, the fees of counsel or special pleader for drawing pleadings or other proceedings, whether special or otherwise, and advising.

5. When judgment is signed on a cognovit, or on a judge's order authorising the plaintiff to sign judgment, no declaration to ground judgment shall be necessary or allowed on the taxation of costs.

6. The costs of attendance by counsel or special pleader before a judge at chambers shall in no case be

allowed, as between party and party, unless the judge shall certify for such allowance.

7. In all actions on contract, other than cases wherein, by reason of the nature of the action, no writ of trial can by law be issued, where the sum recovered or paid into court, and accepted by the plaintiff in satisfaction of his demand, or agreed to be paid on the settlement of the action, shall not exceed 20*l.*, (without costs), the plaintiff's costs, as against the defendant, shall be taxed according to the lower scale of allowances in the schedule of costs hereunto annexed; provided, that in case of trial before a judge in one of the superior courts, or judge of assize, if the judge shall certify on the postea that the cause was proper to be tried before him, and not before a sheriff or judge of an inferior court, the costs shall be taxed on the higher scale.

8. Where, in like actions, the sum indorsed on the summons shall be more than 20*l.*, but the plaintiff fails to recover more than that sum, and the judge does not certify as aforesaid, the plaintiff's costs against the defendant, whether between party and party, or between attorney and client, shall be taxed as upon a writ of trial before a judge of a court of record where attorneys are not allowed to act as advocates, as hereinafter provided for, but the defendant's costs, if any, are to be taxed upon the higher scale; provided, that in cases triable before the sheriff or judge of an inferior court, where the judge shall refuse to make an order for such trial, the judge may, if he shall think fit, direct, at the time of such refusal, on what scale the costs of each party shall be taxed, and in default of such direction the costs of both parties shall be taxed on the higher scale.

9. At the head of every bill of costs taken to the taxing officer to be taxed, it shall be stated whether the sum recovered, accepted, or agreed to be paid exceeds the sum of 20*l.* or not, in the following form:—

"Debt above 20*l.*"

"Debt 20*l.* or under."

#### TABLE OF COSTS.

GENERAL ALLOWANCE FOR PLAINTIFFS AND DEFENDANTS; AND, IN CASES UNDER £20, AS WELL BETWEEN ATTORNEY AND CLIENT AS BETWEEN PARTY AND PARTY.

	<i>Writs.</i>		<i>Above £20. Under £20.</i>	
Summons.....	£0	12	6	£0 10 0
Concurrent summons.....	0	10	0	0 7 6
Renewed summons.....	0	10	0	0 7 6
Capias.....	0	12	6	—
Alias.....	0	10	0	—
Pluries.....	0	10	0	—
Capias ad satisfaciendum.....	0	12	0	0 11 0
Renewed capias ad satisfaciendum.....	0	9	6	0 8 6
Capias ad satisfaciendum for the residue.....	0	14	0	0 13 0
Renewed.....	0	11	6	0 10 6
Fieri facias.....	0	12	0	0 11 0
Renewed.....	0	9	6	0 8 0
Renewed for the residue.....	0	14	0	0 13 0
Renewed.....	0	11	6	0 10 6
Fieri facias de bonis ecclesiasticis.....	0	14	6	—
Renewed.....	0	12	0	—
Habere facias possessionem and fieri facias, or capias ad satisfaciendum for costs in one writ.....	0	18	0	—
Habere facias possessionem alone.....	0	15	0	—
Special indorsements on writs of summons.....	0	5	0	0 2 6
Writ of revivor.....	0	12	6	0 10 0
Ejectment.....	0	15	0	—
Of trial, exclusive of fee.....	—	—	—	0 8 0
Subpoena ad testificandum.....	0	7	0	0 5 0
Subpoena duces tecum.....	0	9	0	0 7 0
If above four folios, additional per folio.....	0	0	8	0 0 4
Exigi facias.....	1	1	0	—
Capias ultagatum.....	1	1	0	—

	Above £20.	Under £20.
Elegit, Nos. 9, 10, and 11 in New Rules	0 15 0 ..	—
„ Nos. 12, 13, and 14.....	1 0 0 ..	—
Attachment .....	0 12 0 ..	—
Detainer.....	0 12 6 ..	—
Habeas corpus, obtained by plaintiff, including allowance .....	1 0 0 ..	—
Procedendo .....	0 15 0 ..	—
Venditioni exponas .....	0 13 6 ..	—
Sapereadeas, if not issued by a prisoner	0 11 0 ..	—

*Copy and Service of Writs.*

Of summons, the defendant being served in London, Middlesex, or Surrey, within two miles of the place of business of the attorney, for each defendant.....	0 5 0 ..	0 5 0
If beyond that distance, additional for every mile, but in cases under 20l., not to exceed ten miles.....	0 1 0 ..	0 0 6
If the defendant should be served in any other county, the same allowance, but the distance to be calculated from the office of the attorney employed to effect service.		
Of writ of revivor, the same as summons.		
Of writ of ejectment, the same as of writ of summons, for each defendant	0 0 4	
And in addition, for every folio of copy beyond three .....		
Correspondent's charges for service of writ, including affidavit of service, and exclusive of mileage, in cases in which the fixed sum for costs does not apply	0 18 0 ..	0 12 0
The like, for service of subpoenas .....	0 8 6 ..	0 5 0
Extra for subpoenas duces tecum .....	0 2 0 ..	0 2 0
Notice of writ for service on a foreigner out of jurisdiction.....	0 3 0 ..	0 3 0
Agent's charges, according to circumstances, &c.		
In cases in which the defendant shall avoid service, and an order shall be made to proceed, a sum will be allowed for attendances to serve, according to circumstances.		
Of subpoena ad testificandum .....	0 5 0 ..	0 3 0
Of subpoena duces tecum.....	0 7 0 ..	0 5 0

*Instructions.*

Instructions to sue or defend, for pleadings, special affidavits, where allowed, and to counsel on special matters ..	0 6 8 ..	0 3 4
To counsel in common matters .....	0 3 4 ..	0 3 4
For brief .....	0 13 4 ..	0 6 8
If difficult, and many witnesses or documents, discretionary.....	.....	nil.
For every suggestion.....	0 6 8 ..	0 3 4
For plea of suggestion .....	0 6 8 ..	0 3 4
For issue in fact by consent.....	0 13 4 ..	0 6 8
For suggestion to revive, or writ of revivor, when no rule necessary .....	0 6 8 ..	0 3 4
For rule for writ of revivor, when necessary .....	0 6 8 ..	0 3 4
For proceeding in error .....	0 6 8 ..	—
To defend for executor, after suggestion of death of original defendant .....	0 6 8 ..	0 3 4
For agreement of damages .....	0 6 8 ..	0 3 4
For grounds of error .....	0 6 8 ..	—
For assignment of errors after notice ..	0 6 8 ..	—
For confession of action in ejectment, as to the whole or in part.....	0 6 8 ..	—
To reduce jury .....	0 13 4 ..	—

*Drawing Pleadings, &c.*

Declaration, inclusive of instructions and ingrossing, and of attendance to file or deliver.....	1 5 0 ..	0 10 0
If above ten folios, for every folio ....	0 1 0 ..	0 1 0
One or more pleas, if three folios or under, exclusive of instructions, but inclusive of ingrossing .....	0 4 0 ..	0 3 0

	Above £20.	Under £20.
If above three folios, for every folio drawing.....	0 1 0 ..	0 1 0
Joinder of issue, inclusive of ingrossing ..	0 4 0 ..	0 3 0
Demurrer, inclusive of ingrossing ....	0 4 0 ..	0 3 0
Joinder in demurrer, inclusive of ingrossing.....	0 4 0 ..	0 3 0
Marginal statement of matter of law for argument, exclusive of copies for the judges .....	0 6 8 ..	0 3 4
Replications, new assignments, grounds of error, assignment of errors, pleas to assignment of errors, and other pleadings, the same as the foregoing charges for pleas.		
Issue or demurrer book .....	0 6 8 ..	0 3 4
Record .....	nil.	nil.
Postea, when drawn by attorney, including ingrossing, for every folio ..	0 1 0 ..	0 1 0
Judgment, whether by default or final ..	0 3 4 ..	0 3 4
Authority to receive monies out of court	0 3 0 ..	0 2 0
Suggestions, pleas to suggestions and subsequent pleadings, of three folios or under, inclusive of ingrossment ..	0 4 0 ..	0 3 0
If above three folios, for every folio, drawing.....	0 1 0 ..	0 1 0
Issue for the trial of facts by agreement, for every folio.....	0 1 0 ..	0 1 0
Special case, per folio .....	0 1 0 ..	0 1 0
Agreement of damages and copy, if five folios or under .....	0 6 8 ..	0 3 4
Above five folios, for every folio, drawing ..	0 1 0 ..	0 1 0
And copy, per folio .....	0 0 4 ..	0 0 4
Drawing writ of inquiry .....	0 3 4 ..	nil.
Special particulars of demand or set-off, and copy, per folio .....	0 0 8 ..	0 0 4
Short ditto, and copy .....	0 5 0 ..	0 2 6
Abstract of pleas, when necessary, and fair copy, and copy for judge .....	0 5 4 ..	0 3 4
Bill of costs and copy for taxation, per folio .....	0 0 8 ..	—
Copy for the opposite party.....	0 0 4 ..	—
Drawing bill of costs and copy, per folio, 4d., not to exceed .....	.....	0 4 0
Copy for the opposite party, per folio 4d., not to exceed.....	.....	0 4 0
Drawing and ingrossing common cognovit, and attendance thereon .....	0 13 4 ..	0 6 8
If special and long.....	1 0 0 ..	0 10 0
Replication, accepting money out of court in full of demand, inclusive of instructions .....	0 4 0 ..	0 3 0
Similiter, or joinder of issue, to obtain order to try before sheriff.....	.....	0 3 0

*Ingrossing and Copying.*

Declarations, above ten folios, per folio	0 0 4 ..	0 0 4
Other pleadings before enumerated, above three folios, per folio.....	0 0 4 ..	0 0 4
Issue, (pleadings), if fifteen folios or under.....	0 5 0 ..	—
If above fifteen folios, for every folio ..	0 0 4 ..	0 0 4
Issue, (pleadings), if ten folios or under .....	.....	0 3 4
Above ten folios, per folio .....	.....	0 0 4
All proceedings on paper, per folio ....	0 0 4 ..	0 0 4
The like on parchment, per folio.....	0 0 6 ..	0 0 4
Judgments for non-appearance on specially-indorsed writs, or writs of revivor, and in ejectment, to be taken as nine folios, including the writ, in actions above 20l., and six folios under 20l.		

The allowance of 1l. 3s. 2d. for interlocutory judgments will be discontinued, and the drawing, entry, and other charges will for the future be according to this scale.

The length of interlocutory and final judgments will be allowed as heretofore.

<i>Notices.</i>		<i>Above £20. Under £20.</i>		<i>Above £20. Under £20.</i>	
To declare, reply, and subsequent pleadings, copy and service .....	0 4 0 .. 0 3 0	to writ, to alter or amend pleadings, to file any proceeding, to obtain office copies, consent to any summons, for postea, (if necessary), to set down case, or demurrer, each judge with demurrer book or special case, to deliver points to each judge, to ascertain if books delivered, and other like attendances .....	0 3 4 .. 0 3 4	To set down cause for trial .....	0 6 8 .. 0 6 8
By defendant, to bring issue to trial, copy and service .....	0 4 0 .. 0 3 0	On each counsel with brief at trial, fee under 20 guineas, to reduce special jury, summons before a judge, and to pay money into court .....	0 6 8 .. 0 3 4	On counsel with brief fee 20 guineas and above .....	0 13 4 .. —
For special jury, to opposite attorney, copy and service, pursuant to sect. 109 ..	0 5 0 .. 0 3 0	To receive money out of court .....	0 10 0 .. 0 6 8	Counsel with brief, on motion, if above one guinea fee .....	0 6 8 .. 0 3 4
The like to sheriff, pursuant to sect. 112 ..	0 5 0 .. 0 3 0	If one guinea only .....	0 3 4 .. 0 3 4	Consultation with counsel .....	0 13 4 .. nil.
To executor or administrator of sole defendant deceased, to appear to writ and suggestion .....	0 5 0 .. 0 3 0	Conference with counsel .....	0 6 8 .. —	Fee on every record or writ of trial .....	0 6 8 .. 0 3 4
To sheriff, of renewal of execution, exclusive of any payment .....	0 5 0 .. 0 3 0	For common jury panel .....	0 3 4 .. 0 3 4	For special jury panel .....	0 6 8 .. 0 3 4
To plaintiff in error, to assign errors ..	0 5 0 .. 0 3 0	To obtain names of viewers .....	0 6 8 .. 0 3 4	To enter any suggestion on roll when necessary .....	0 3 4 .. 0 3 4
Of discontinuance of error .....	0 4 0 .. 0 3 0	Attending court, cause made a remanet ..	0 13 4 .. 0 6 8	Attending for fresh panels after remanet, as before.	
Of confession of error .....	0 4 0 .. 0 3 0	Attendances incidental to agreement of amount of damages, according to the circumstances.		Attendance in pursuance of notice to admit .....	0 6 8 .. 0 3 4
Of plaintiff in error's intention to proceed, to personal representatives of defendant, deceased .....	0 5 0 .. 0 3 0	Attendance in pursuance of notice to admit .....	0 6 8 .. 0 3 4	For every hour beyond one .....	0 6 8 .. 0 3 4
Of appearance, when appearance duly entered, and notice given on the day of appearance, but not otherwise .....	0 4 0 .. 0 3 0	Attending making admissions, except under special circumstances .....	0 6 8 .. 0 3 4	On reference to Master upon common matters, such as to compute upon a bill or bond .....	0 6 8 .. 0 6 8
Of appearance to writ of revivor .....	0 5 0 .. 0 3 0	Special matters .....	0 13 4 .. 0 6 8	For every hour after the first .....	0 6 8 .. 0 3 4
To plead .....	0 4 0 .. 0 3 0	If counsel in attendance, attorney attending .....	0 6 8 .. 0 3 4	Above one hour .....	0 13 4 .. 0 6 8
Of declaration, when necessary, copy and service .....	0 5 0 .. 0 5 0	To attest confession in ejectment .....	0 6 8 .. —	To file memorandum of error, and obtain Master's receipt .....	0 6 8 .. 0 3 4
Of objection for misjoinder or nonjoinder of plaintiff, copy and service .....	0 4 0 .. 0 3 0	Assizes, each day, exclusive of expenses, but inclusive of all matters transacted, except one attendance upon each counsel with brief .....	2 2 0 .. —	Expenses, exclusive of travelling, for each day .....	1 1 0 .. —
To sheriff, to discharge a prisoner out of custody, copy and service .....	0 5 0 .. 0 4 0	Travelling expenses, the amount actually and reasonably paid, but in no case exceeding 1s. per mile one way.		Travelling expenses, the amount actually and reasonably paid, but in no case exceeding 1s. per mile one way.	
Notice in ejectment, to defend for part of premises, and service .....	0 6 0 .. —	If two causes, in each, per day, for attendance .....	1 11 6 .. —	If three causes or more, each .....	1 1 0 .. —
If above three folios, for every folio additional .....	0 1 0 .. —	If more than one cause, expenses at 1l. 1s. each day, and travelling expenses to be divided equally.		Clerk's attendance, discretionary, if more than one cause, or on special cases, not exceeding per day, inclusive of expenses, except travelling ..	1 1 0 .. —
Notice of admission of right, and denial of ouster, by a joint tenant, &c. ....	0 6 0 .. —	In assize towns, in which two lists are made, and in special jury causes, the attendance of the attorney will not be allowed from the commission-day, but only from such period as his attendance became proper.		On writ of inquiry, or writ of trial, at a distance, if no other business, inclusive of expenses, per day .....	2 2 0 .. 1 1 0
If above three folios, for every folio ..	0 0 4 .. —			If two cases, each .....	1 11 6 .. 0 13 4
Discontinuance by claimant in ejectment, and service .....	0 5 0 .. —			If more than two cases, each .....	1 1 0 .. 0 13 4
Of confession of action of ejectment as to the whole or in part, and service ..	0 10 0 .. —				
Of trial, inquiry, demand of residence of plaintiff, of authority for issuing writ, and all other common notices ..	0 4 0 .. 0 3 0				
To admit or produce, if short .....	0 7 6 .. 0 5 0				
The like, if long .....	0 10 0 .. 0 5 0				
If very long and special, a larger allowance may be made in cases above 20l. Additional allowance for mileage, as upon the service of a writ.					
<i>Copy and Service.</i>					
Of special and common rules .....	0 5 0 .. 0 4 0				
Of special rule, above three folios, per folio additional .....	0 0 4 .. 0 0 4				
Of summons or order of a judge .....	0 3 0 .. 0 3 0				
Of order to charge a prisoner in execution .....	0 5 0 .. —				
Of Master's note of receipt and of affidavits in error in fact .....	0 7 0 .. —				
Of Master's note of receipt in error in law .....	0 5 0 .. —				
Mileage on services, as upon a writ of summons.					
<i>Ejectment.</i>					
Instructions to sue, and examining deeds ..	0 13 4 .. —				
If a question of title .....	1 1 0 .. —				
<i>Attendances.</i>					
To search for appearance to writ of summons .....	0 3 4 .. 0 3 4				
Two searches will be allowed if necessarily made.					
To obtain undertaking to appear to process .....	0 5 0 .. 0 5 0				
To give undertaking to appear .....	0 5 0 .. 0 5 0				
Deponent to be sworn, (where allowed), for rules where no attendance in court, to enter exception to bail, to leave writ at sheriff's office, to obtain return					

		<i>Above £20. Under £20.</i>				<i>Above £20. Under £20.</i>	
Travelling expenses as before, and to be apportioned if more than one cause. In London or Middlesex, or in same town, on trial or writ of inquiry, when cause in paper and not tried, per day .....		0	13	4	..	0	6
On trial .....		1	1	0	..	0	13
Ditto, if occupied the whole day .....		2	2	0	..	—	—
Managing clerk to conduct cause at a distance, when only one cause, per day .....		1	11	6	..	0	13
If more than one cause, each .....		1	1	0	..	0	10
Travelling and other expenses, the same as attorney.		0	6	8	..	0	3
Court, on motion, rule nisi granted .....		0	13	4	..	0	6
The like, on rule absolute, after rule nisi .....		0	6	8	..	0	3
The like, previous to argument, per day .....		2	0	0	..	1	0
The like, in cases set down in the paper, not exceeding, for a whole term .....		1	0	0	..	0	10
After term, when sittings, not exceeding .....		0	13	4	..	0	3
Taxation on postea .....		1	0	0	..	0	6
More, according to time occupied.		0	6	8	..	0	3
Ditto, costs of cause, otherwise than on postea .....		0	13	4	..	—	—
Ditto, costs of judgment only, and ordinary interlocutory matters .....		0	3	4	..	0	3
<i>Briefs.</i>		..	..	0	13	4	..
Minutes of evidence .....		..	..	0	13	4	..
Brief, and one fair copy, where cause tried before a judge of a court of record, where attorneys are not allowed to act as advocates, not exceeding ..		..	..	2	0	0	..
In the like case, fee to counsel and clerk .....		..	..	1	3	6	..
For drawing, per folio .....		0	1	0	..	—	—
Copying .....		0	0	4	..	—	—
<i>Term Fees and Letters.</i>		..	..	..	..	..	..
Proper business .....		0	13	0	..	0	10
Agency .....		0	15	0	..	0	12
Letters, when no term fee proper business .....		0	3	0	..	0	2
Agency .....		0	5	0	..	0	3
Letters, in interlocutory matters proper .....		0	2	0	..	—	—
Agency .....		0	3	0	..	—	—
In actions under 20 <i>l.</i> no allowance will be made for letters for the vacation preceding the term in which a term fee shall be allowed.		..	..	..	..	..	..
<i>Letters.</i>		..	..	..	..	..	..
Letter before action, and other letters ..		0	3	6	..	0	2
Circular letters, after the first .....		0	1	6	..	0	1
<i>Affidavits.</i>		..	..	..	..	..	..
Drawing special affidavits, per folio ..		0	1	0	..	0	1
Ingrossing same, exclusive of affidavits of increase .....		0	0	4	..	nil.	..
Common affidavits of five folios or under, including ingrossing and oath ..		0	6	0	..	0	5
Affidavit of increase, including ingrossing and oath .....		—	..	0	5	0	..
Copy for the other side .....		—	..	0	2	0	..
<i>Searches.</i>		..	..	..	..	..	..
All common searches, exclusive of payment .....		0	3	4	..	0	3
If very long .....		0	13	4	..	0	6
<i>Counsel.</i>		..	..	..	..	..	..
To attend reference to Master, not exceeding, except on examination of witnesses .....		2	2	0	..	nil.	..
To settle special indorsement on writ ..		nil.	..	..	..	nil.	..
<i>Warrant of Attorney.</i>		..	..	..	..	..	..
Costs of signing judgment .....		3	10	0	..	—	—
<i>Defendants.</i>		..	..	..	..	..	..
Appearance .....		0	7	0	..	0	6
For each additional defendant, inclusive of payment .....		0	1	6	..	0	1
A second summons and order for time to plead shall be allowed in special cases above 20 <i>l.</i> when necessary.		..	..	..	..	..	..
<i>Counsel's Clerk's Fees.</i>		..	..	..	..	..	..
The fees to be allowed to counsel's clerk not to exceed as under:—		..	..	..	..	..	..
Upon a fee under 5 guineas .....		0	2	6	..	—	—
5 guineas and under 10 guineas .....		0	5	0	..	—	—
10 guineas and under 20 guineas .....		0	10	0	..	—	—
20 guineas and under 30 guineas .....		0	15	0	..	—	—
30 guineas and under 50 guineas .....		1	0	0	..	—	—
50 guineas and upwards .....		2	10	0	..	per cent.	—
<i>On Consultations.</i>		..	..	..	..	..	..
Senior's clerk .....		0	7	6	..	—	—
Junior's clerk .....		0	2	6	..	—	—
On general retainer .....		0	10	6	..	—	—
On common retainer .....		0	2	6	..	—	—
On conference .....		0	5	0	..	—	—
<i>Allowance to Witnesses.</i>		..	..	..	..	..	..
Common witnesses, such as labourers, journeymen, &c., per diem .....		0	5	0	..	0	5
Master tradesmen, yeomen and farmers, per diem, from .....		0	7	6	..	0	10
Auctioneers and accountants, per diem ..		0	10	0	..	0	15
Professional men, per diem .....		0	10	6	..	0	10
Ditto, inclusive of all except travelling expenses, per diem .....		1	1	0	..	1	1
Attornies or other clerks, per diem ..		0	10	6	..	0	15
Engineers and surveyors, per diem .....		1	1	0	..	1	1
Notaries, per diem .....		1	1	0	..	1	1
Gentlemen .....		1	1	0	..	1	1
Esquires .....		1	1	0	..	1	1
Bankers .....		1	1	0	..	1	1
Merchants .....		1	1	0	..	1	1
Females, according to station in life, per diem, from .....		0	5	0	..	0	5
Police inspector, per diem .....		0	5	0	..	0	7
Police constable .....		0	3	0	..	0	5
If the witnesses attend in one cause only, they will be entitled to the full allowance. If they attend in more than one cause, they will be entitled to a proportionate part in each cause only.		..	..	..	..	..	..
The travelling expenses of witnesses shall be allowed according to the sums reasonably and actually paid, but in no case shall exceed 1 <i>s.</i> per mile one way.		..	..	..	..	..	..
<i>Miscellaneous.</i>		..	..	..	..	..	..
Close copy of proceedings in agency cases, 4 <i>d.</i> per folio, according to actual length.		..	..	..	..	..	..

In cases under 20*l.* no allowance will be made in respect of the following matters:—

Attending deponent to be sworn to affidavit.  
Advice on evidence.

Maps, plans, or models.

For maps or plans, when used in cases above 20*l.*, from 1*l.* 1*s.* to 3*l.* 3*s.*

All other allowances will be made as heretofore, except so far as it may be necessary to reduce or increase the same, conformably to the scale of fees published on the 24th November, 1852.

(Signed)	CAMPBELL.	W. WIGHTMAN.
	J. JERVIS.	T. J. PLATT.
	FRED. POLLOCK.	W. ERLE.
	E. H. ALDERSON.	T. N. TALFOURD.
		SAM. MARTIN.

27th January, 1853.

### RULES OF THE COURTS OF QUEEN'S BENCH, COMMON PLEAS, AND EXCHEQUER.

HILARY TERM, 1853.

1. EXAMINATION, ADMISSION, AND RE-ADMISSION OF ATTORNIES.
2. REGULATIONS FOR CONDUCTING THE EXAMINATION.
3. TAKING OUT AND RENEWAL OF ATTORNIES' CERTIFICATES.

#### 1. EXAMINATION, ADMISSION, AND RE-ADMISSION OF ATTORNIES.

WHEREAS, by sect. 15 of stat. 6 & 7 Vict. c. 73, it was enacted, "that it shall be lawful for the judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, or any one or more of them, and he and they is and are hereby authorised and required, before he or they shall issue a fiat for the admission of any person to be an attorney, to examine and inquire, by such ways and means as he or they shall think proper, touching the articles and service, and the fitness and capacity, of such person to act as an attorney; and if the judge or judges as aforesaid shall be satisfied by such examination, or by the certificate of such examiners as hereinafter mentioned, that such person is duly qualified and fit and competent to act as an attorney, then, and not otherwise, the said judge or judges shall, and he and they is and are hereby authorised and required to administer, or cause to be administered, to such person the oath hereinafter directed to be taken by attorneys and solicitors, in addition to the oath of allegiance, and, after such oaths taken, to cause him to be admitted an attorney of such court;" and by sect. 16 of the said statute it was further enacted, for the purpose of facilitating the inquiry touching the due service under articles as aforesaid, and the fitness and capacity of any person to act as an attorney, "that it shall be lawful for the judges of the Courts of Queen's Bench, Common Pleas, and Exchequer (or any eight or more of them, of whom the chiefs of the said courts shall be three) from time to time to nominate and appoint such persons to be examiners for the purposes aforesaid, and to make such rules and regulations for conducting such examination, as such judges shall think proper:"

And whereas, in order to carry the said statute more fully into effect, it is expedient annually to appoint examiners, subject to the control of the judges, in manner hereinafter mentioned:

And whereas, pursuant to the said statute, certain rules, orders, and regulations were made by the judges of the said courts in Easter Term, 1846; and other rules, orders, and regulations of the said courts, or one of them, have been from time to time previously made relating to the examination, admission, and re-admission of attorneys and their annual certificates:

And whereas it is expedient to consolidate and amend the said rules, orders, and regulations, in manner hereinafter mentioned:

It is therefore ordered, that from and after the first day of Trinity Term next, all rules, orders, and regulations relating to the examination, admission, and re-admission of attorneys, and the taking out and renewal of their annual certificates, be, and they are hereby annulled: provided that all notices, appointments, and other steps and proceedings duly made, had, or taken, or to be had or taken, under and by virtue of the rules, orders, or regulations, or any of them, hereby to be annulled, shall be valid, and may be carried into effect, anything herein to the contrary notwithstanding; and it is ordered, that the following rules, orders, and regulations shall, from and after the said first day of Trinity Term next, be substituted in lieu of all such former rules, orders, and regulations whatsoever:—

I. The several Masters for the time being for the Courts of Queen's Bench, Common Pleas, and Exchequer respectively, together with sixteen attorneys or solicitors, to be appointed by a rule of Court in every year to be examiners for one year, any five of whom (one whereof to be one of the said Masters) shall be competent to conduct the examination; and that, subject to such appeal as hereinafter mentioned, no person who shall not have been previously admitted a solicitor of the High Court of Chancery shall be admitted to be sworn an attorney of any of the courts, except on production of a certificate signed by the major part of such examiners actually present at and conducting his examination, testifying his fitness and capacity to act as an attorney, and in the usual business transacted by an attorney—such certificate to be in force only to the end of the term next but one following the date thereof, unless such time shall be specially extended by the order of a judge.

II. The examiners so to be appointed shall conduct the said examinations, under regulations to be first submitted to and approved by the judges.

III. In case any person shall be dissatisfied with the refusal of the examiners to grant such certificate, he shall be at liberty within one month to apply for admission by petition, in writing, to the judges, to be delivered to the clerk of the Lord Chief Justice of the Court of Queen's Bench, upon which no fee or gratuity shall be received, which application shall be heard in Serjeants' Inn Hall by not less than three of the judges.

IV. And whereas the hall or building of the Incorporated Law Society of the United Kingdom in Chancery-lane is a fit and convenient place for holding the said examinations, and the said society have consented to allow the same to be used for that purpose:

It is ordered, that until further order such examinations be there held on such days as the said examiners, or any five of them, shall appoint; and that any person not previously admitted an attorney of any of the three courts, and desirous of being admitted, shall give notice to the said examiners, before the commencement of the term next preceding that in which he shall propose to be examined, of his intention to apply for examination, by leaving the same with the secretary of the said society at their said hall, which notice shall also state his place or places of residence or service for the last preceding twelve months; and in case of application to be admitted on a refusal of the certificate, shall give ten days' notice, to be served in like manner, of the day appointed for hearing the same.

V. Three days at the least before the commencement of the term next preceding that in which any person not before admitted shall propose to be admitted an attorney of either of the courts, he shall cause to be delivered at the Master's office a written notice, which shall state his place or places of abode or service for the last preceding twelve months, and the name and place of abode of the attorney or attorneys to whom he was articulated and assigned, (if any such assignment has been made); and the Master shall reduce all such notices as

in this rule first mentioned into an alphabetical table or tables, under convenient heads, and affix the same, on the first day of term, in some conspicuous place within or near to and on the outside of each court; and such person shall also, for the space of one full term previous to the term in which he shall apply to be admitted, enter or cause to be entered in two books kept for that purpose, one at the chambers of the Lord Chief Justice or Chief Baron of the court in which he applies to be admitted, and the other at the chambers of the other judges or barons of such court, his name and place or places of abode, and also the name or names and place or places of abode of the attorney or attorneys to whom he shall have been article and assigned, (if any such assignment has been made).

VI. Every person so proposing to be admitted an attorney of either of the said courts, who shall have given such notices of his intention to apply for examination and admission as aforesaid, or as authorised by this rule, and who shall not have attended to be examined, or not have passed the examination, or not have been admitted, may, within one week after the end of the term for which such notices were given, renew the notices for examination or admission for the then next ensuing term, and so from time to time as often as he shall think proper; and that all such renewed notices shall be added to the list of notices of admission and re-admission, and placed up, on the first day of the term, in the said courts, chambers, and offices; and the applicants named in such renewed notices may be examined in the ordinary way, in pursuance of such last-mentioned notices, but shall not be admitted until the last day of the term, unless otherwise ordered by one of the said courts, or a judge thereof.

VII. On an application to re-admit an attorney who has been struck off the rolls, the applicant shall, before the commencement of the term next preceding that in which he intends to apply to be re-admitted, give notice thereof, as in the case of an original admission; and the affidavits in support of such application shall be filed at the office of the Master, and a copy thereof left at the chambers of the Lord Chief Justice of the Court of Queen's Bench before the term on the last day of which the notice for re-admission is intended to be made, and the rule for such re-admission shall be drawn up, on reading such affidavit, and an affidavit of such copy having been left, and notices given in compliance with this rule.

VIII. A printed copy of the list of the admissions and re-admissions shall be stuck up in the Queen's Bench, Common Pleas, and Exchequer offices, and at the judges' hall or chambers of each court in Rolls-gardens.

## 2. REGULATIONS APPROVED BY THE JUDGES FOR THE EXAMINATION OF PERSONS APPLYING TO BE ADMITTED AS ATTORNEYS OF THE COURTS OF QUEEN'S BENCH, COMMON PLEAS, OR EXCHEQUER.

I. Every person applying to be admitted an attorney of any of the said courts pursuant to the said rules shall, within the first seven days of the term in which he is desirous of being admitted, leave or cause to be left with the secretary of the said Incorporated Law Society his articles of clerkship, duly stamped, and also any assignment which may have been made thereof, together with answers to the several questions hereunto annexed, signed by the applicant, and also by the attorney or attorneys, London agent, barrister, or special pleader, with whom he shall have served his clerkship.

II. In case the applicant shall shew sufficient cause, to the satisfaction of the examiners, why the first regulation cannot be fully complied with, it shall be in the power of the said examiners, upon sufficient proof being given of the same, to dispense with any part of the first regulation that they may think fit and reasonable.

III. Every person applying for admission shall also,

if required, sign and leave, or cause to be left, with the secretary of the said society, answers in writing to such other written or printed questions as shall be proposed by the said examiners touching his said service or conduct; and shall also, if required, attend the said examiners personally, for the purpose of giving further explanations touching the same; and shall also, if required, procure the attorney or attorneys with whom he shall have served his clerkship as aforesaid to answer, either personally or in writing, any questions touching such service or conduct, or shall make proof, to the satisfaction of the said examiners, of his inability to procure the same.

IV. Every person so applying shall also attend the said examiners at the hall of the said society, at such time or times as shall be appointed for that purpose, pursuant to the said rule, as the said examiners shall appoint, and shall answer such questions as the said examiners shall then and there put to him, by written or printed papers, touching his fitness and capacity to act as an attorney, and in the usual business transacted by an attorney.

V. Upon compliance with the aforesaid regulations, and if the major part of the said examiners actually present at and conducting the said examination (one of them being one of the said Masters) shall be satisfied as to the fitness and capacity of the person so applying to act as an attorney, the said examiners so present, or the major part of them, shall certify the same under their hands in the following form, namely:—

"In pursuance of the rules made in Hilary Term, 1853, of the Courts of Queen's Bench, Common Pleas, and Exchequer, we, being the major part of the examiners actually present at and conducting the examination of A. B., of &c., do hereby certify that we have examined the said A. B. as required by the said rules, and we do testify that the said A. B. is fit and capable to act as an attorney of the said courts, and in the usual business transacted by attorneys."

*Questions as to due Service of Articles of Clerkship, to be answered by the Clerk.*

1. What was your age at the date of your articles?
2. Have you served the whole term of your articles at the office where the attorney or attorneys to whom you were article or assigned carried on his or their business; and if not, state the reason?
3. Have you, at any time during the term of your articles, been absent without the permission of the attorney or attorneys to whom you were article or assigned; and if so, state the length and occasions of such absence?
4. Have you, during the period of your articles, been engaged or concerned in any profession, business, or employment, other than your professional employment as clerk to the attorney or attorneys to whom you were article or assigned?
5. Have you, since the expiration of your articles, been engaged or concerned, and for how long time, in any and what profession, trade, business, or employment, other than the profession of an attorney or solicitor?

*Questions to be answered by the Attorney, Agent, Barrister, or Special Pleader with whom the Clerk may have served any part of the time under his Articles.*

1. Has A. B. served the whole time of his articles at the office where you carry on your business; and if not, state the reason?
2. Has the said A. B., at any time during the term of his articles, been absent without your permission; and if so, state the length and occasions of such absence?
3. Has the said A. B., during the period of his articles, been engaged or concerned in any profession, business, or employment, other than his professional employment as your article clerk?
4. Has the said A. B., during the whole term of his

clerkship, with the exceptions above mentioned, been faithfully and diligently employed in your professional business of an attorney or solicitor?

5. Has the said A.B., since the expiration of his articles, been engaged or concerned, and for how long time, in any and what profession, trade, business, or employment, other than the profession of an attorney or solicitor?

"And I do hereby certify that the said A.B. has duly and faithfully served under his articles of clerkship, ('or assignment,' as the case may be), bearing date, &c., for the term therein expressed, and that he is a fit and proper person to be admitted an attorney."

### 3. TAKING OUT AND RENEWAL OF ATTORNIES' CERTIFICATES.

Whereas, by sect. 25 of stat. 6 & 7 Vict. c. 73, it was enacted, that if any attorney shall neglect to procure an annual stamped certificate, authorising him to practise as such, within the time by law appointed for that purpose, then and in such case the registrar of attornies and solicitors shall not afterwards grant a certificate to such attorney without the order of one of the Courts of Queen's Bench, Common Pleas, or Exchequer, or one of the judges thereof, to issue such certificate:

And whereas it is expedient, that upon the application of an attorney having neglected for the space of one whole year to procure or to renew an annual stamped certificate, the judges should have means of inquiring as to the circumstances under which he has omitted to commence, or has discontinued to practise, and as to his conduct and employment during the term of such omission or discontinuance:

It is ordered, that from and after the last day of Trinity Term next, every person who shall intend to apply on the last day of term, or in vacation, for such order, shall, three days at the least previous to the first day of the term on the last day of which the application is intended to be made, or in case the application is to be made in vacation, shall, previous to the first day of the preceding term, leave at the office of the Masters of the court in which he intends to make the application, a notice in writing, containing his name and place of abode for the last preceding twelve months; and that before the said first day of term he shall enter or cause to be entered a like notice in two books kept for that purpose, one at the chambers of the Lord Chief Justice or Chief Baron, and the other at the chambers of the other judges or barons; and shall before the said first day of term cause to be filed the affidavit upon which he seeks to obtain or renew his said certificate at the office of the Masters aforesaid, and a copy thereof to be also left at the chambers of the Lord Chief Justice of the Court of Queen's Bench.

II. The Masters shall reduce such notices into alphabetical order, and add the same to the list of admissions and re-admissions; and the order for the granting the certificate shall be drawn up on reading such affidavit of such copy having been left, in compliance with this rule.

III. Upon an application to dispense with the usual notice, and to take out or renew the certificate of an attorney as aforesaid, a summons shall be served on the registrar of attornies, calling on him to shew cause within ten days why such certificate should not be issued; and if no cause be shewn to the satisfaction of the judge, an order may be made for issuing such certificate, if the judge shall think proper.

CAMPBELL.	E. H. ALDERSON.
JOHN JERVIS.	J. T. COLERIDGE.
FRED. POLLOCK.	C. CRESSWELL.
J. PARKE.	W. ERLE.
	CHARLES CROMPTON.

Signed the 20th January, 1853.

## COURT OF QUEEN'S BENCH.

HILARY TERM.—16 VICTORIA.—Jan. 21, 1853.

This Court will hold sittings on Friday the 4th and Saturday the 5th days of February next, and will on those days take the remaining cases in the Special and Crown Papers, and such cases in the New Trial Paper as were moved in Michaelmas Term. The Court will also give judgment in cases which have been argued in term.

By THE COURT.

## London Gazette.

### FRIDAY, JANUARY 21. BANKRUPTS.

HENRY GRANT, Lowther-arcade, and formerly of Agar-street, Strand, and Elm-tree-road, St. John's-wood, Middlesex, wine merchant, dealer and chapman, Jan. 31 at 1, and March 4 at 12, Court of Bankruptcy. London: Off. Ass. Graham; Sols. Linklaters, 17, Sise-lane, City.—Petition filed Jan. 8.

EDWARD PARKER, Cheapside, London, and Chadwell-street, St. John-street-road, Middlesex, stationer, dealer and chapman, Feb. 4 at 12, and March 4 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Jones & Co., 30, Broad-street-buildings, London.—Petition filed Jan. 20.

SAMUEL GUBB, Exeter, innkeeper and brushmaker, dealer chapman, Jan. 27 and Feb. 24 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed Jan. 12.

HENRY JAMES GUNNING, Okehampton, Devonshire, surgeon and apothecary, dealer and chapman, Feb. 2 at 11, and Feb. 24 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Hawkes & Bragg, Okehampton; Stogdon, Exeter.—Petition filed Jan. 13.

STEPHEN BENNISON, Bridlington Quay, Yorkshire, miller, and corn and flour dealer, dealer and chapman, Feb. 16 and March 9 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. J. & J. P. Wood, York; Wilson, Hull.—Petition filed Jan. 10.

HENRY CLAYBURN, Hulme, Manchester, builder, Feb. 1 and March 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Hardman, Manchester.—Petition filed Jan. 15.

THOMAS KERSHAW, Crossland, Huddersfield, Yorkshire, and Manchester, Lancashire, stone quarry worker, stone merchant, dealer and chapman, Jan. 31 and Feb. 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Dearden, Rochdale; Potter, Manchester.—Petition filed Jan. 11.

### MEETINGS.

Edward Churton, Holles-street, Cavendish-square, Middlesex, bookseller, Feb. 3 at 2, Court of Bankruptcy, London, pr. d. and div.—Richard Bell and George Wm. Campbell, Liverpool, merchants, Feb. 1 at 11, District Court of Bankruptcy, Liverpool, pr. d.—John Hall, Newcastle-upon-Tyne, corn factor, Feb. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—James Bickford, Brighton, Sussex, silversmith, Jan. 31 at 11, Court of Bankruptcy, London, aud. ac.—J. A. Thomas, Thavies-inn, Holborn, London, flour merchant, Feb. 3 at 11, Court of Bankruptcy, London, aud. ac.; Feb. 17 at 1, div.—J. I. Evans, Harrow-rd., Paddington, Middlesex, clothier, Feb. 8 at half-past 11, Court of Bankruptcy, London, aud. ac.—John Taylor, Hoxne, Suffolk, grocer, Feb. 3 at 1, Court of Bankruptcy, London, aud. ac.—Thomas Pratt Wills, Portsea, Hampshire, brewer, Feb. 1 at 1, Court of Bankruptcy, London, aud. ac.—James Harper, Gloucester, hotel keeper, Feb. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 16 at 11, div.—Philip Newman, Winchcomb, Gloucestershire, tea dealer, Feb. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 16 at 11, div.—Henry Addis, Wm. Onions, and Edmund Lloyd, Gloucester, vinegar manufacturers, Feb. 10 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 17 at 11, div.—Hugh Jones, Chester, grocer, Feb. 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Benjamin Tattersall and Thomas Tattersall, Liverpool, corn merchants, Feb. 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Ford and J. A. Hadfield,



Charlestown Mills, Glossop, Derbyshire, paper manufacturers, Feb. 2 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 11 at 12, div.—*Jonathan Colling* the younger, Newcastle-upon-Tyne, hatter, Feb. 14 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Joseph Bell*, Greensfield, Northumberland, shipowner, Feb. 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*A. Surtees, John Surtees, Rowland Burdon, John Branding, and J. Embleton*, Berwick-upon-Tweed, bankers, Feb. 14 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Harris and John Dickinson*, Maryport, Cumberland, sail cloth manufacturers, Feb. 14 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*W. Cole, W. Little, and W. Irving*, Newcastle-upon-Tyne, drapers, Feb. 14 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Howe*, Felling, Durham, builder, Feb. 14 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*J. Duggan*, Maryport, Cumberland, draper, Feb. 14 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 16 at 11, div.—*Charles Belton*, Birmingham, chemist, Feb. 17 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*George Gardner*, Woolwich and Plumstead, Kent, ironmonger, Feb. 14 at 1, Court of Bankruptcy, London, div.—*Alex. Forfar*, Dunstable, Bedfordshire, straw bonnet manufacturer, Feb. 14 at 12, Court of Bankruptcy, London, div.—*F. P. Platy*, Broad-street-buildings, London, merchant, Feb. 14 at 1, Court of Bankruptcy, London, div.—*Thos. Harris and John Burs*, Eagle Brewery, Hampstead-road, Middlesex, brewers, Feb. 11 at half-past 11, Court of Bankruptcy, London, div.—*William Buchanan*, Gerard-street, Soho, Middlesex, picture dealer, Feb. 11 at half-past 11, Court of Bankruptcy, London, div.—*James Keeley and Edwin Williams*, Strand, Middlesex, and Fleet-street, London, tailors, Feb. 11 at 11, Court of Bankruptcy, London, div.—*Jacob Montefiore and Joseph Barrow Montefiore*, Nicholas-lane, London, merchants, Feb. 12 at half-past 1, Court of Bankruptcy, London, div.—*Wm. T. Hannam*, Brighton, Sussex, wine merchant, Feb. 11 at 12, Court of Bankruptcy, London, div.—*Wm. Cam Monkhouse*, Aberystwith, Cardiganshire, wine merchant, Feb. 11 at 11, District Court of Bankruptcy, Bristol, div.—*T. Matthewson*, Hartlepool, Durham, merchant, Feb. 11 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Thos. Fowkes*, Redditch, Worcestershire, innkeeper, Feb. 16 at 12, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Wm. McKay*, Upper Kennington-lane, Lambeth, Surrey, draper, Feb. 11 at 12, Court of Bankruptcy, London.—*Geo. Prentice*, Artillery-lane, Bishopsgate-st., London, licensed victualler, Feb. 9 at 1, Court of Bankruptcy, London.—*Wm. Northwood*, Wigmore-street, Cavendish-square, Middlesex, upholsterer, Feb. 11 at half-past 12, Court of Bankruptcy, London.—*Wm. Thomas Hannam*, Marine-parade and New Steine, Brighton, Sussex, wine merchant, Feb. 10 at 11, Court of Bankruptcy, London.—*Benj. Sitch Deeley*, Buckley-street, Whitechapel, Middlesex, engineer, Feb. 11 at 11, Court of Bankruptcy, London.—*John Whitehead*, Princes-st., Lambeth, Surrey, rectifier, Feb. 14 at 2, Court of Bankruptcy, London.—*Geo. Lester*, High-st., Poplar, Middlesex, builder, Feb. 14 at 12, Court of Bankruptcy, London.—*Jas. Harper*, Gloucester, hotel keeper, Feb. 16 at 12, District Court of Bankruptcy, Bristol.—*Thos. Wheeler* the younger, Winstone, near Cirencester, Gloucestershire, cattle dealer, Feb. 10 at 11, District Court of Bankruptcy, Bristol.—*John Fowler*, Clifton, Bristol, and Westbury-upon-Trym, Gloucestershire, builder, Feb. 15 at 11, District Court of Bankruptcy, Bristol.—*Richard Halero*, Sunderland, Durham, provision merchant, Feb. 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Howe*, Felling, Durham, builder, Feb. 14 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Geo. Fielder*, Dobcross-in-Saddleworth, Yorkshire, woolstapler, Feb. 10 at 12, District Court of Bankruptcy, Manchester.—*James Jewitt*, Manchester, cotton spinner, Feb. 14 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

*James Keeley and Edwin Williams*, Strand, Middlesex, and Fleet-st., London, tailors.—*John Davis Randall and George*

*Thomas Dick*, Greek-st., Soho, Middlesex, leather sellers.—*John Dawson*, Tolleshunt Darcy, Essex, surgeon.—*James Heathwaite*, New-street, Covent-garden, Middlesex, cheesemonger.—*John Valentine*, Northampton, tea dealer.—*Wm. Patten*, Feering, Essex, dealer in horses.—*John Brown Drew*, Wittam's-buildings, Old-street-road, Middlesex, carpenter.—*John Fry Reeves and Orlando Reeves*, Taunton, Somersetshire, scribes.—*Geo. Edwin James*, Brierly-hill, Staffordshire, draper.—*Alfred Newbold and Edward Newbold*, Birmingham, drapers.—*Joseph Fugill*, Bradford, Yorkshire, stuff merchant.

## PETITION ANNULLED.

*Antonio Gabrielli and Thos. Edmond*, Broad-st., London, merchants.

## SCOTCH SEQUESTRATIONS.

*James Thom*, Wester Glentworth, New Monkland, Lanarkshire, corn dealer.—*Wm. Fraser*, Altmaskinch Cottage, near Inverness, farmer.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Henry Abram*, West Derby, Lancashire, master pavior, Feb. 7 at 10, County Court of Lancashire, at Liverpool.—*C. Jace*, Kirkdale, Walton-on-the-Hill, Liverpool, working millwright, County Court of Lancashire, at Liverpool.—*W. H. Deeley*, Birmingham, spur maker, Jan. 29 at 10, County Court of Warwickshire, at Birmingham.—*John Cook* the elder, Birmingham, builder, Feb. 12 at 10, County Court of Warwickshire, at Birmingham.—*Charles Brettell*, Birmingham, glass blower, Feb. 12 at 10, County Court of Warwickshire, at Birmingham.—*Edwin Hundley*, Worcester, gardener, Feb. 9 at 10, County Court of Worcestershire, at Worcester.—*John Wright*, Macclesfield, Cheshire, silk manufacturer, Jan. 27 at 10, County Court of Cheshire, at Macclesfield.—*Thomas Cutforth*, Broughton, Lincolnshire, grocer, Feb. 18 at 11, County Court of Lincolnshire, at Brigg.—*H. Bellamy*, Sheffield, Yorkshire, hairdresser, Feb. 2 at 12, County Court of Yorkshire, at Sheffield.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 4 at 11, before the CHIEF COMMISSIONER.

*James Mode*, Church-street, Bermondsey, Surrey, licensed lighterman.

Feb. 4 at 10, before Mr. Commissioner LAW.

*John P. Loader*, Dartmouth-hill, Lewisham, Kent, clerk to a glass cutter.

Feb. 5 at 11, before Mr. Commissioner PHILLIPS.

*James Rowed*, Wilson-street, Stepney, Middlesex, timber dealer.—*Henry Booker*, Cranford, near Hounslow, Middlesex, beer-shop keeper.—*Wm. Miller*, Eagle-terrace, City-road, Middlesex, baker.—*Donald W. King*, Percy-st., Bedford-sq., Tottenham-court-road, Middlesex, vocalist.—*G. J. Smithers*, Lant-st., Borough, Southwark, Surrey, carver.

Feb. 7 at 10, before Mr. Commissioner LAW.

*Joseph Holland*, York-st., Hans-place, Hans-town, Chelsea, Middlesex, tailor.—*Richard Threlfall*, Titchbourn-st., Edge-ware-road, Middlesex, portrait painter.

Feb. 7 at 11, before Mr. Commissioner PHILLIPS.

*Mark Hollie*, Murray-st., Camden-town, Middlesex, fish-monger.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Feb. 4 at 11, before the CHIEF COMMISSIONER.

*Samuel Melbourn*, High-st., Shadwell, Middlesex, commission agent.—*Henry John Sewell*, Crescent, Jewin-street, London, dealer in leather.—*Charles Ubbell*, Great Portland-street, Oxford-street, Middlesex, out of business.

Feb. 7 at 10, before Mr. Commissioner LAW.

*Walter Blount*, Pratt-st., Camden-town, Middlesex, attorney-at-law.



*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Feb. 5 at 10.*

*James Morrish, Exeter, farmer.*

*At the County Court of Essex, at CHELMSFORD, Feb. 10 at 12.*

*George B. Canning, Chelmsford, attorney's clerk.*

*At the County Court of Gloucestershire, at GLOUCESTER, Feb. 21 at 10.*

*James W. Atkins, Rodborough, near Stroud, farmer.*

## TUESDAY, JANUARY 25.

### BANKRUPTS.

**WILLIAM COLK**, North Walsham, Norfolk, wine and spirit merchant and brewer, dealer and chapman, Feb. 5 at 11, and March 11 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed Jan. 14.

**ROBERT TATE** the younger, Uxbridge Moor, Hillingdon, Middlesex, miller, dealer and chapman, Jan. 31 and March 7 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, Sise-lane, London.—Petition filed Jan. 22.

**JOHN BROOKS**, Eling, Southampton, coal, timber, and slate merchant, Feb. 4 and March 8 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Deacon & Co., Romsey, Hampshire; Philbrick, Girdler's-hall, 39, Basinghall-street, London.—Petition filed Jan. 11.

**ROBERT CHARLES ROOSMALE COCK**, late of Colombo, Island of Ceylon, East Indies, (carrying on business in partnership with Frederick Lambe, of Colombo, as merchants there, under the firm of Lambe, Rainalds, & Co.), and now of St. George's-terrace, Liverpool-road, Islington, Middlesex, merchant, dealer and chapman, Feb. 4 at 11, and March 12 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Jewitt, 45, Lime-street, City.—Petition dated Jan. 19.

**HERBERT ALLEN**, Birmingham, tailor and draper, dealer and chapman, Feb. 8 and March 2 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. E. & J. M. Barret, Leeds; Benson, Birmingham.—Petition dated Jan. 22.

**HENRY SIMMONS**, Leicester, innkeeper, dealer and chapman, Feb. 4 and 25 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Co., Birmingham; Ashurst & Son, 6, Old Jewry, London.—Petition dated Jan. 3.

**CHARLES FLETCHER**, Derby, card-board and silk manufacturer, Feb. 4 and 25 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Balguy, Nottingham.—Petition dated Jan. 24.

**JOHN PASS**, Huddersfield, Yorkshire, innkeeper, dealer and chapman, Feb. 18 and March 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Messrs. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated Jan. 21.

**JOHN FLETCHER**, Bradford, Yorkshire, draper, dealer and chapman, Feb. 7 and March 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Upton & Yewdall, Leeds.—Petition dated Jan. 24.

**GEORGE COLDWELL**, Ashton-under-Lyne, Lancashire, boot and shoe maker, dealer and chapman, Feb. 8 and March 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Brooks, Ashton-under-Lyne.—Petition filed Jan. 21.

**WILLIAM DONALD**, Hayton, Aspatia, Cumberland, cattle dealer, farmer, dealer and chapman, Jan. 31 at 11, and March 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Steel, Cocker-mouth; Watson, Newcastle-upon-Tyne; Bischoff & Coxe, 19, Coleman-street, London.—Petition filed Jan. 6.

### MEETINGS.

*Robert Mitchell, Walthamstow, Essex, baker, Feb. 5 at 11, Court of Bankruptcy, London, last ex.—G. Rogers, Comptall*

*Bridge, Cheeshire, grocer, Feb. 4 at 12, District Court of Bankruptcy, Manchester, last ex.—Joseph Warren, Ramsgate, Kent, stationer, Feb. 10 at 1, Court of Bankruptcy, London, aud. ac.—Thomas Harris and John Burt, Eagle Brewery, Hampstead-road, Middlesex, brewers, Feb. 7 at 11, Court of Bankruptcy, London, aud. ac.—W. Marshall, Hay's Wharf, Tooley-street, Southwark, provision agent, Feb. 5 at 11, Court of Bankruptcy, London, aud. ac.—John Burnes, Liverpool, commission agent, Feb. 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Hall, Newcastle-upon-Tyne, corn factor, Feb. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 18 at 11, div.—John Hollingworth, Kingston-upon-Hull, shipowner, Feb. 2 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—George Wyatt and Henry Thompson, Portpool-lane, Gray's-inn-lane, Middlesex, common brewers, Feb. 17 at 11, Court of Bankruptcy, London, div.*

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Joshua Charles Foster, Club-row, Church-street, Shore-ditch, and New Gloucester-place, Hoxton, Middlesex, timber merchant, Feb. 22 at 11, Court of Bankruptcy, London.—William Thornton, St. John's-hill, Battersea, Surrey, carpenter, Feb. 22 at half-past 12, Court of Bankruptcy, London.—Thomas Fuller, Braintree, Essex, licensed victualler, Feb. 22 at 12, Court of Bankruptcy, London.—Geo. Nightingale, Great Dover-street, Southwark, Surrey, draper, Feb. 17 at 1, Court of Bankruptcy, London.—R. Hamilton Murray, Alfred-place, Camden-road, Islington, Middlesex, baker, Feb. 15 at 12, Court of Bankruptcy, London.—Robert Pritchard, Bangor, Carnarvonshire, druggist, Feb. 16 at 12, District Court of Bankruptcy, Liverpool.—Geo. Rowell the younger, Carlisle, Cumberland, painter, Feb. 18 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—John Cridland, Sidmouth, Devonshire, grocer, Feb. 23 at 11, District Court of Bankruptcy, Exeter.*

*To be granted, unless an Appeal be duly entered.*

*Joseph Battye Louis Buckland, Threadneedle-street, London, and Regent-villas, Avenue-road, Regent's-park, Middlesex, insurance agent.—Henry Berrett, Colchester, Essex, builder.—J. Dobson, High Holborn, Middlesex, optician.—Roger Upton, Dawlish, Devonshire, grocer.—Simeon Goodwin, Birmingham, grocer.*

### SCOTCH SEQUESTRATIONS.

*McGregor & Newlands, Glasgow, silk printers.—James Taylor, Glasgow, builder.*

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*T. Drury, Rolvenden, Kent, out of business, Feb. 16 at 11, County Court of Kent, at Romney.—R. Dixon the younger, Bleasby, Nottinghamshire, out of business, Feb. 11 at 9, County Court of Nottinghamshire, at Newark.—Geo. Bray, Landport, Portsea, Hampshire, tea dealer, Feb. 11 at 11, County Court of Hampshire, at Portsmouth.—W. Grossmith, Portsea, Southampton, grocer, Feb. 11 at 11, County Court of Hampshire, at Portsmouth.—W. Poole, Landport, Portsea, Hampshire, bookseller, Feb. 11 at 11, County Court of Hampshire, at Portsmouth.—T. Mathews, Brynmawr, Llanelli, Brecknockshire, innkeeper, Feb. 5 at 10, County Court of Brecknockshire, at Crickhowell.—John Price, Llangattock, Crickhowell, Brecknockshire, woollen manufacturer, Feb. 5 at 10, County Court of Brecknockshire, at Crickhowell.—Wm. Welsh, Bristol, licensed victualler, Feb. 9 at 11, County Court of Gloucestershire, at Bristol.—James Field, Ash, Kent, saddler, Jan. 29 at 11, County Court of Kent, at Deal.—E. Jones, Carnarvon, druggist, Feb. 16 at 11, County Court of Carnarvonshire, at Portmadock.—J. Allday, Henley-upon-Thames, Oxfordshire, chemist, Feb. 10 at 11, County Court of Berkshire, at Reading.—David Morris, Colwyn, Llandrillo, Carnarvonshire, draper, Feb. 10 at 11, County Court of Carnarvonshire, at Conway.—J. Laming, Canterbury, tailor, Jan. 31 at 11, County Court of Kent, at Canterbury.—Mary H. Owles, Great Yarmouth, Norfolk, grocer, Feb. 9 at 10, County Court of Norfolk, at Great Yarmouth.*

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 9 at 11, before the CHIEF COMMISSIONER.*

*John Haydon, Uxbridge-moor, Middlesex, wheelwright.—Robert Jolly, Dartford, Kent, grocer.—John Apps, Upper Charles-street, Northampton-square, Clerkenwell, Middlesex, watch-case maker.—Joseph Woodman, King-street, South-west, Surrey, commission agent.—Frederick Phillips, Lavina-grove, Wharf-road, King's-cross, Islington, Middlesex, milliner.*

*Feb. 9 at 10, before Mr. Commissioner LAW.*

*George Thos. Morris, Paradise-st., Lambeth, Surrey, iron-founder.—Wm. Lawson, Great Coram-street, Russell-square, Middlesex, artist.*

*Feb. 11 at 10, before Mr. Commissioner LAW.*

*John Bamford, Surbiton, near Kingston-on-Thames, Surrey, butcher.*

*Saturday, Jan. 22.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Henry Elliot, Bath-st., City-road, Middlesex, steward to a hospital, No. 63,291 T.; Richard Grellier, assignee.—Wm. Furnside, Leeds, Yorkshire, out of business, No. 75,682 C.; Thomas Hebdon, assignee.—Henry Bird, Field-cottage, John-street, Upper Holloway, Middlesex, surgeon, No. 61,887 T.; James Jenkins, new assignee; Wm. Marchant, late assignee, removed.—Daniel Courtney, Ashburton, Devonshire, clothier, No. 75,810 C.; Mary Ann Ward, assignee.—John Holtiday, Bradford, Yorkshire, stuff manufacturer, No. 75,883 C.; Isaac Brown, assignee.—Edward Mogridge, Birmingham, leather seller, No. 74,993 C.; Wm. Mortimore, assignee.—Thomas H. Adcock, Much Woolton, near Liverpool, schoolmaster, No. 71,592 C.; Wm. Priest, assignee.—T. Walker, Wentbridge Thorpe, Andlin, near Pontefract, Yorkshire, corn miller, No. 75,849 C.; John Haldane, assignee.—George Williams, Bradford, Yorkshire, grocer, No. 75,794 C.; James Clayton, assignee.—John Laycock, Leeds, Yorkshire, cloth fuller, No. 75,767 C.; John Tempest, assignee.—John Watts, Buxton, Somersetshire, miller, No. 75,692 C.; Henry Ousint, assignee.—Stephen Nelson, Salterhebble, Halifax, Yorkshire, railway contractor, No. 68,943 C.; James Green, assignee.*

*Saturday, Jan. 22.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Smead, Drummond-crescent, Euston-sq., Middlesex, baker: in the Debtors Prison for London and Middlesex.—J. Proudman, Red Lion-st., Spitalfields, Middlesex, saddler: in the Debtors Prison for London and Middlesex.—George T. Steadman, Nichol-sq., Hackney-road, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—John E. Stewart, Upper Weymouth-st., Marylebone, Middlesex, artist: in the Debtors Prison for London and Middlesex.—James Cantons, Hoveham, Sussex, licensed victualler: in the Debtors Prison for London and Middlesex.—Christopher Mayne, Arundel-street, Strand, Middlesex, clerk in a gold mining company: in the Queen's Prison.—Robert Living, Leadenhall-market, London, poultry salesman: in the Debtors Prison for London and Middlesex.—Henry Hobbs, Mossow-road, Baywater, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—Richard Rawlinson, Royal Mint-street, Tower-hill, Middlesex, greengrocer: in the Debtors Prison for London and Middlesex.—Charles V. G. Gowan, Mill-st., Hanover-sq., Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—James Brown, Wimbledon-common, Wimbledon, Surrey, retailer of beer: in the Gaol of Surrey.—Christopher R. Preston, Michael's-grove, Hampton, Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—Thos. Warner, Plough-yard, Shore-ditch, Middlesex, assistant to a smith: in the Debtors Prison for London and Middlesex.—James Ward, Northall-farm,*

*England's-lane, Hampstead, Middlesex, farmer: in the Debtors Prison for London and Middlesex.—Thomas Jackson Paine, Oxford-street, Regent-street, Middlesex, harness maker: in the Debtors Prison for London and Middlesex.—J. Barker, Queen-street, Lower-road, Islington, Middlesex, straw-hat manufacturer: in the Debtors Prison for London and Middlesex.—Saint John W. Coffey, Gloucester-place, Portman-sq., Middlesex, clerk in the Custom-house: in the Debtors Prison for London and Middlesex.—Christopher Rawlings, Halliford-st., Lower-road, Islington, Middlesex, builder: in the Debtors Prison for London and Middlesex.—John Summers, Acton-street, Gray's-inn-road, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—James Waldron, Upper Thames-st., London, corn dealer: in the Debtors Prison for London and Middlesex.—Wm. H. Garry, Great Tower-st., London, attorney-at-law: in the Debtors Prison for London and Middlesex.—George Furby, Hanover-place, Kennington, Surrey, ironmonger: in the Queen's Prison.—James Wheeler, Fish-street-hill, London, assistant to a cheesemonger: in the Queen's Prison.—John Lako, Byer-street, Blackfriars-road, Surrey, plasterer: in the Gaol of Surrey.*

*(On Creditor's Petition.)*

*George Horwidge, Hercules-hall, Westminster-road, Lambeth, Surrey, starch manufacturer: in the Gaol of Surrey.*

*(On their own Petitions).*

*Thomas Archer, Dunston, Durham, jobbing smith: in the Gaol of Durham.—John Harris, New Windsor, Berkshire, saddler: in the Gaol of Reading.—Richard Upton, Calverley-fields, Tunbridge Wells, Kent, carpenter: in the Gaol of Maidstone.—Roger Dewhurst, Blackburn, Lancashire, sawyer: in the Gaol of Lancaster.—William Cousins, Clewer-green, near Windsor, Berkshire, coffee-house keeper: in the Gaol of Reading.—Stephen Johnson, Sheffield, Yorkshire, publican: in the Gaol of York.—Thos. Brown, Heaton Norris, Lancashire, tailor: in the Gaol of Lancaster.—J. Banks, Waterloo, near Liverpool, architect: in the Gaol of Lancaster.—Henry Henson, Salford, Lancashire, provision dealer: in the Gaol of Lancaster.—Henry Mowen, Norwich, bricklayer: in the Gaol of Lancaster.—Wm. Lynch, Caedraw, Merthyr Tydfil, Glamorganshire, licensed victualler: in the Gaol of Cardiff.—D. Skew, Patiroft, near Manchester, boat builder: in the Gaol of Lancaster.—M. Williams, Aberdare, Glamorganshire, labourer: in the Gaol of Cardiff.—Jas. Porter, Leeds, Yorkshire, machine maker: in the Gaol of York.—Wm. Rogers, Mount Fields, Frankwell, Shrewsbury, Shropshire, wharfinger: in the Gaol of Shrewsbury.—George Forster, Standish, near Wigan, Lancashire, overlooker of a colliery: in the Gaol of Lancaster.—Isaac Holt, Ashton-under-Lyne, Lancashire, hosier: in the Gaol of Lancaster.—Henry Arthur Kynaston, Procter, Deal, Kent, in no business: in the Gaol of Dover.—Jos. Morris the younger, St. Helen's, Lancashire, joiner: in the Gaol of Lancaster.—Thos. Preston the younger, Salford, Lancashire, cotton waste dealer: in the Gaol of Lancaster.—James Grace Thomas, Bristol, shoemaker.*

*(On Creditor's Petition).*

*Ann Gilder, Newbury, Berkshire, spinster: in no business: in the Gaol of Reading.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 8 at 11, before the CHIEF COMMISSIONER.*

*George Frederick Wallington, Gough-st., Calthorpe-st., Gray's inn-road, St. Pancras, Middlesex, baker.—D. Allan, Tottenham-st., Fitzroy-square, Middlesex, out of business.—Chas. Bindley, Albion-st., Baywater-road, Middlesex, animal portrait painter.*

*Feb. 9 at 10, before Mr. Commissioner LAW.*

*Reuben Brooks, Brixton Oval, Brixton, Surrey, picture dealer.*

*Feb. 10 at 11, before Mr. Commissioner PHILLIPS.*

*Anellia Heald, Mortimer-st., Cavendish-square, Middlesex, dressmaker.—Susan Louisa Campbell, spinster, Grosvenor-villas, Longthorpe-park, Brixton, Surrey, in no occupation.—J. Lloyd the elder, Earl's-terrace, Kensington, Middlesex, gentleman.—Edw. Ingram, Shadwell High-street, Shadwell, Middlesex, poulterer.*

**Adjourned Case.**

*Philip Delfosse*, Queen-street, Golden-square, Middlesex, commission agent in foreign goods.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Feb. 8.*

*John Henry Rayson*, Strood, builder. — *Richard Upton*, Caversham-terrace, Chelsea, Middlesex, carpenter.

*At the County Court of Northamptonshire, at NORTHAMPTON, Feb. 9:*

*Edwin Baker*, Broughton, near Kettering, saddler.

*At the County Court of Gloucestershire, at BRISTOL, Feb. 9 at 11.*

*Henry James Braham*, Bristol, optician.

*At the County Court of Worcestershire, at WORCESTER, Feb. 9 at 10.*

*Henry Cox*, Dudley, clerk.

*At the County Court of Anglesey, at LLANGFNI, Feb. 11.*

*Owen Hugh Thomas*, Holyhead, out of business.

*At the County Court of Suffolk, at IPSWICH, Feb. 11 at 10.*

*Richard Harrington Howe*, Ipswich, tailor.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Feb. 11.*

*Peter Webster*, Drypool, blacksmith.

**MEETING.**

*Rev. Henry Andrew Paull*, Friar-gate, Derby, clerk, Feb. 10 at 12, Bullock & Crockett's, 51, Lincoln's-inn-fields, London, sp. aff.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed Thomas Gold Edwards, Gent., of Denbigh, in the county of Denbigh, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Denbigh, also in and for the county of Flint.

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# The Jurist

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FEB. 5, 1853.

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LONDON, FEBRUARY 5, 1853.

We publish the following communication from an Indian correspondent practising at the bar in one of the Presidencies, partly because some of the information in it may be new and interesting to some of our readers, but more particularly because it shews that the tendency of local courts, and the abridgment of the business of the superior courts, to produce amalgamation of the two branches of the Profession, is not confined to this country or to America, but appears to exist and operate wherever such a constitution of the judicature of the country exists. Our correspondent writes as follows:—

"Sir,—I am desirous of eliciting the opinion of the Profession on the following subject, and shall therefore feel obliged by your inserting this letter in your journal.

"To render myself intelligible to all your readers, it may be desirable to state, that in India there are two descriptions of courts—first, the Queen's Courts; and, secondly, the Courts of the Honourable the East India Company. Of the first, or 'Supreme Courts,' there are three established by Royal charter—one at each of the three Presidencies; and they are presided over by judges selected from the English Bar, and the business is conducted by barristers and attorneys in a manner very similar to that pursued in the Superior Courts at Westminster. Of the latter, or 'Company's Courts,' there are a great number dispersed all over the country, and styled by various denominations; while at each of the three Presidencies, and at Allahabad, there is a Court of Ultimate Appeal, in India called the 'Sudr Udalt.' These Company's Courts are presided over by members of the Honourable Company's civil service of

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the Presidency in which the court is situated, and the business is conducted by vakeels. Amongst the vakeels there is no distinction of grade corresponding with the English barrister and attorney, or any other similar division of labour. The vakeel communicates direct with the client, and arranges with him the amount of remuneration for which he is willing to conduct the case from beginning to end. He likewise gets up the case, draws, ingrosses, signs, and presents the pleadings. With the native vakeels there is no oral pleading; in fact, the whole spirit of the practice in the Company's Courts is, that the proceedings (even motions) should be in writing, the greatest latitude being allowed; and the vakeel's arguments are usually embodied in his pleadings. In the Up-country or Mofussil Courts the vakeels are natives of the country, and until lately the whole of the vakeels practising in the Sudr Udalt were usually selected from the general body of such native vakeels. A few years since, however, it was determined to admit Europeans to practise as vakeels in the Courts of Sudr Udalt; but in the year 1846 the Legislative Council of India passed the act, No. 1, of 1846, in sects. 4 and 5 whereof it is enacted, 'that the office of pleader or vakeel in the Courts of the East India Company shall be open to all persons, of whatever nation or religion, provided that no person shall be admitted a pleader in any of those Courts unless he have obtained a certificate, in such manner as shall be directed by the Sudr Courts, that he is of good character, and duly qualified for the office, any law or regulation to the contrary notwithstanding; provided nevertheless, and it is hereby enacted, that every barrister of her Majesty's Courts of Justice in India shall be entitled as such to plead in any of the Sudr Courts of the East India Company, subject, however, to all

the rules in force in the said Sudr Courts applicable to pleaders, whether relating to the language in which the Court is to be addressed, or to any other matter.'

"In appointing European vakeels, it is believed that the Courts of Sudr Udalut usually selected solicitors of the Supreme Courts, although in some instances gentlemen unconnected with the Profession, viz. merchants, both English and otherwise, have received the Courts' sunnuds.

"It is generally understood, that in framing the act before alluded to, the Legislature contemplated that barristers should merely plead in those Courts under instructions from vakeels or solicitors, and for some time the barristers practising in the Supreme Courts accepted briefs only when delivered by attorneys of the Supreme Courts. That rule was subsequently relaxed in favour of vakeels of the Courts of Sudr Udalut, and lately some of the barristers have relaxed that rule still further, by regularly attending the Courts, (whether briefless or not), and soliciting practice in a manner similar to vakeels of the Courts, keeping up establishments of clerks for that purpose.

"To enable you and your readers to understand the real position of the practitioners, it is necessary to inform you that the up-country vakeels have no regular agents at the presidency towns, as country practitioners have in England. Parties, therefore, who feel themselves aggrieved by the decrees of the Mofussil Courts, and wish to appeal to the Sudr, as also those who are made respondents, commonly proceed to the presidency town in person with their papers: they are usually strangers. Now, for the purpose of getting business, some of the vakeels retain native touters, paying them by a commission on the amount of the fee they can procure for their master.

"I believe that this practice has not been universally adopted by the barrister vakeels, but I know it has been by one of that body.

"So long as this relaxed practice was pursued by the less fortunate members of the Bar, it did not cause much observation—a feeling of regret for their ill-fortune inducing silence; but when gentlemen holding appointments under the Supreme Courts, and realising a handsome income, (even in these hard times), amounting to 2000*l.* a year and upwards, adopted the practice, the subject has assumed a different feeling.

"I am not desirous of mentioning names, or of bringing the individual cases to the especial notice of the several inns of which the gentlemen have the honour of being members; but I should wish to elicit the opinion of the Profession, and more particularly of the members of the English Bar, whether the acting as a vakeel (embracing as it does, in fact, the duties of an attorney) is consistent with the position of a barrister, and whether gentlemen adopting such a course of professional proceeding ought to be allowed to act in her Majesty's Courts with their more scrupulous brethren."

Of the impropriety of the practice to which our correspondent alludes there cannot be a shadow of doubt, if it is the fact—and we have always understood it to be the fact—that counsel practising at the Indian Bar profess to be governed by the same rules that regulate the English Bar. We should have thought that the expression of opinion which fell from Lord St.

Leonard's, and from other eminent law Lords, in the debates, during last session, upon the County Courts Act, ought to have set that question at rest, not only in this country, but wherever there is a body of English counsel regularly called to the Bar, and assuming to practise as an English Bar. Whether the state of India up the country, may be such as to make it desirable that there should be no regular Bar, but that, as in many of our local courts, the business should be conducted by attorneys, who do the proper business both of attorneys and of advocates, we are not enough acquainted with the commercial state of India to know; nor do we mean to say, that if barristers, finding there is not sufficient regular bar business left at the Presidencies, choose to attend the country courts, and practise as barrister-attorneys, to do so is *personally* disreputable. All that we say is this—that counsel practising in the superior courts in India, commit a clear and gross breach of etiquette, if they act in any manner as attorneys for their clients.

In the recent case of *Murray v. Bogue*, (before Sir R. T. Kindersley, V. C., Jan. 13), the question of registering under the 5 & 6 Vict. c. 45, (the last Copyright Act), had to be considered with reference to new editions, published since the act, of a work, the first edition of which was published before the act.

The question turns on the 2nd, 13th, and 24th sections of the act. The material part of the 2nd is this, "that in the construction of this act the word 'book' shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of letter-press," &c.

The 13th makes it lawful for the proprietor of copyright in any *book* heretofore published, or in any *book* hereafter to be published, to make entry in the registry book of the Stationers' Company of the title of such book, &c.

The 24th prevents the proprietor of copyright in any book, *which shall be first published after the passing of the act*, from maintaining any action or suit, unless before commencing it he shall have caused an entry to be made in the registry of the Stationers' Company of *such book*.

The Court, in *Murray v. Bogue*, held, that if a work is originally published before the act, subsequent editions, not being mere reprints, but containing substantial and material additions and alterations, quoad those the new materials *are new books, and must be registered*.

Another question arose in *Murray v. Bogue*, which did not require decision, the Court having decided on the application before it on other grounds, but which it may not be useless to consider, as it probably will, before long, have to be determined, viz. whether, if, in a work of compilation composed since the 5 & 6 Vict., the compiler receives not merely suggestions or observations, but extensive contributions, from persons not paid for them, he has copyright in those contributions. This turns on the 18th section, which enacts, "that when any publisher or other person shall, before or at the time of the passing of this act, have projected, conducted, and carried on, or shall hereafter project, conduct, and carry on, or be the proprietor of any

encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any person to compose the same, or any volumes, parts, essays, articles, or portions thereof, for publication in or as part of the same, and such work, volume, parts, essays, articles, or portions shall have been, or shall hereafter be, composed under such employment, on the terms that the copyright therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, projector, publisher, or conductor; the copyright in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts, and in every volume, part, essay, article, and portion so composed and paid for, shall be the property of such proprietor, projector, publisher, or other conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books by this act, except only that in the case of essays, articles, or portions forming part of and first published in reviews, magazines, or other periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this act. Provided always, that during the term of twenty-eight years the said proprietor, projector, publisher, or conductor shall not publish any such essay, article, or portion, separately or singly, without the consent previously obtained of the author thereof, or his assigns. Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid to publish any such his composition in a separate form, who, by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining, or having such right shall be entitled to the copyright in such composition, when published in a separate form, according to this act, without prejudice to the right of such proprietor, publisher, or conductor as aforesaid."

That in such contributions to a work of compilation, published since the act, the compiler can have no copyright, irrespectively of the act, seems clear, because there is no copyright at common law, and all the old Copyright Acts are repealed by the 5 & 6 Vict. The statute re-enacts copyright, but of course the title is under the act only.

Now, the 18th section of the act, by giving to the compiler, copyright in the contributions of contributors with whom he shall have entered into a contract, and whom he shall have paid, impliedly excludes him from having copyright in them when there has not been such contract and payment.

Whether the copyright remains in the contributor, or is dedicated to the public, may be a question: it may be thought that it remains in the author, since, although the provisos of the 18th section of the act seem to save the right of the author only where he shall by contract have retained the right of publishing, those provisos must, we conceive, have reference to the case where he has, by contract within the act, constituted the compiler the owner to a certain extent; not

to the case where he has not passed any copyright to the compiler, but only permitted him to publish. The conclusion that appears to us the most consistent with the act is, that where the author of a contribution to a work, within the 18th section, has gratuitously contributed it for the compiler without any contract, he has granted him a license, which it would of course be inequitable for him to repudiate, as between him and the compiler; but that as between him and a third person, he retains copyright, and could prevent such third person from publishing; while, on the other hand, the compiler has, as against the public, no sort of copyright whatever in the contributions, and could not, in his own right, sue against infringement.

### Court Papers.

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Tuesday . . . . . March 1	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday . . . . 2	
Thursday . . . . . 3	
Friday . . . . . 4	
Saturday . . . . . 5	
Monday . . . . . 7	
Tuesday . . . . . 8	Motions.
Wednesday . . . . 9	
Thursday . . . . . 10	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Friday . . . . . 11	
Saturday . . . . . 12	
Monday . . . . . 14	
Tuesday . . . . . 15	Petitions in General Paper.
Wednesday . . . . 16	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Thursday . . . . . 17	
Friday . . . . . 18	Motions.
Saturday . . . . . 19	
Monday . . . . . 21	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday . . . . . 22	
Wednesday . . . . 23	
Thursday . . . . . 24	

Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday, at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed Richard Prall, of the city of Rochester, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Kent.

## COURT OF EXCHEQUER.

HILARY TERM.—16 VICTORIA.—Jan. 29, 1853.

This Court will hold sittings on Saturday, the 12th February, and on Monday, the 14th February next, and will at such sittings proceed in disposing of the business then pending in the Paper of New Trials, and in the Special Paper, and also in giving judgment in cases then standing for judgment.

FREDERICK POLLOCK.  
J. PARKE.  
E. H. ALDERSON.  
SAMUEL MARTIN.

## GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—Henry Bonham Carter, Esq.; George Norman Maule, Esq., M. A.; Elphinstone Barchard, Esq., M. A.

INNER TEMPLE.—F. R. Vallings, Esq., M. A.; T. Chandless, Esq.; R. G. M. Sumner, Esq., M. A.; C. D. R. Ward, Esq.; C. S. Bagot, Esq., B. A.; W. Finnie, Esq., B. C. L.; J. B. Brooking, Esq.; W. F. Edwards, Esq., M. A.; J. C. Traill, Esq., B. A.; H. J. Simonds, Esq.; F. Lushington, Esq.; C. Penraddocke, Esq.; N. Simpson, Esq.; F. V. Raper, Esq., B. A.; W. Pearson, Esq.; W. G. Harrison, Esq., B. A.; J. L. Reed, Esq.; F. H. Colt, Esq., B. A.; W. E. Browning, Esq.

MIDDLE TEMPLE.—Edward Godman Kirkpatrick, Esq., B. A., Trinity College, Cambridge; Wilfrid Hudestone Simpson, Esq., B. A., St. John's College, Cambridge; Charles Smith, Esq., B. A., St. John's College, Cambridge; Stephen Martin Leake, Esq., B. A., St. John's College, Cambridge; William Talfourd Salter, Esq.; Albany Fonblanque, Esq.; Owen Saunders Wilson, Esq.; James Henry Patteson, Esq., B. A., Balliol College, Oxford; James Maurice, Esq.; John Thornely, Esq., B. A., University of London; John William Grigg, Esq.; Edmund Macrory, Esq., B. A., Trinity College, Dublin; Thomas M'Enteer, Esq.; Robert Orridge, Esq.; John Price, Esq.; Edward William Hornby, Esq.; Henry Stephen Hansler, Esq.; Boswell Hensman, Esq., Gray's Inn Prizeman; Roger Gadsden, Esq.; George Pringle, Esq.

GRAY'S INN, Jan. 26.—Leonard Hill Gent, Esq.

## EXAMINATION OF STUDENTS.

At the public examination of the students of the Inns of Court, held at Lincoln's-inn Hall, on the 22nd, 24th, and 25th January, the Council of Legal Education awarded as follows:—

William Whittaker Barry, Esq., student of Lincoln's-inn—a studentship of fifty guineas per annum, to continue for a period of three years.

M. E. Grant Duff, Esq., student of the Inner Temple—a certificate of honour, as having passed the second best examination.

W. O'Conner Morris, Esq., student of Lincoln's-inn, and John Palmer, Esq., student of the Inner Temple—certificates that they have satisfactorily passed a public examination.

## London Gazettes.

FRIDAY, JANUARY 28.

## BANKRUPTS.

THOMAS CHEW and JOHN CHEW, Little Moorfields, St. Giles's, Cripplegate Without, London, livery-stable keepers, dealers and chapmen, Feb. 7 and March 11 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Keddell & Smith, 34, Lime-street, City.—Petition filed Jan. 26.

TALEB BOHLAL, formerly of Mogadore and Ribat, Africa, then of Scarborough-st., Goodman's-fields, Middlesex, then of Mogadore and Ribat, Africa, then of Bevis Marks, London, then and late of Mansell-st., Goodman's-fields, Middlesex, and Mogadore and Ribat, Africa, merchant, Feb. 5 at half-past 11, and March 11 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Cotterill, 32, Throgmorton-st., London.—Petition filed Jan. 24.

ABRAHAM COHEN, Houndsditch, London, wholesale clothier, dealer and chapman, Feb. 8 at 1, and March 11 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Co., Aldermanbury, London.—Petition filed Jan. 25.

WILLIAM JOHN POWELL and CHARLES HIND, Carnaby-st., Golden-square, Middlesex, linendrapers, dealers and chapmen, Feb. 5 at 2, and March 12 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Buchanan, 8, Basinghall-st., City.—Petition dated Jan. 26.

RICHARD BOWLER, Langley-place, Commercial-road, Middlesex, and Botolph-lane, London, confectioner, Feb. 8 at 2, and March 8 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Wright & Bonner, 15, London-street, Fenchurch-st., London.—Petition filed Jan. 19.

WILLIAM WARD ANDREWS, Wolverhampton, Staffordshire, ironmonger, dealer and chapman, Feb. 15 and March 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Thorne, Wolverhampton; Motteram & Co., Birmingham.—Petition dated Jan. 22.

JOSEPH GREENWOOD and BENJAMIN GREENWOOD, Bradford, Yorkshire, worsted spinners, stuff manufacturers, dealers and chapmen, (carrying on business under the style or firm of J. & B. Greenwood), Feb. 18 and March 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Wavell & Co., Halifax.—Petition dated and filed Jan. 14.

JOHN BOTTOMLEY, Marton, Lincolnshire, miller, corn factor, maltster, and coal merchant, dealer and chapman, Feb. 16 and March 9 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Stamp, Hull.—Petition dated Jan. 12.

GEORGE SMITH, Manchester, hatter, dealer and chapman, Feb. 11 and March 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Faulkner, Manchester.—Petition filed Jan. 21.

## MEETINGS.

Augustus Alexander Lackersteen and W. Hamilton Crake, Moorgate-st., London, merchants, Feb. 11 at half-past 11, Court of Bankruptcy, London, pr. d. sep. est. of Augustus Alexander Lackersteen.—Henry Stagg, Croydon, Surrey, grocer, Feb. 9 at 12, Court of Bankruptcy, London, last ex.—Francis Sadler, Fore-st., London, furnishing undertaker, Feb. 11 at 1, Court of Bankruptcy, London, aud. ac.; Feb. 18 at 1, div.—James Kent Vote, Albion-square, Dalston, Middlesex, builder, Feb. 10 at half-past 11, Court of Bankruptcy, London, aud. ac.—Joseph Hall, Winsford, Cheshire, grocer, Feb. 8 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—Wm. Neil Monies, Liverpool, wine merchant, Feb. 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Cridland, Sidmouth, Devonshire, grocer, Feb. 10 at 1, District Court of Bankruptcy, Exeter, aud. ac.—Matthew Brickdale and John Brickdale, Taunton, Somersetshire, bankers, Feb. 10 at 1, District Court of Bankruptcy, Exeter, aud. ac.—Job Clark, Willenhall, Staffordshire, bolt manufacturer, Feb. 16 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—William Marshall, Hay's-wharf, Tooley-street, Surrey, provision agent, Feb. 18 at 1, Court of Bankruptcy, London, div.—John Davis Randall and George Thos. Dicks, Greek-street, Soho, Middlesex, leather sellers, Feb. 22 at 11, Court



of Bankruptcy, London, div.—*Thomas Matthews*, Bushey, Hertfordshire, carpenter, Feb. 25 at 11, Court of Bankruptcy, London, div.—*T. Pratt Wills*, Portsea, Hampshire, brewer, Feb. 25 at 11, Court of Bankruptcy, London, div.—*John Matthew Healey*, Dewsbury, Yorkshire, draper, Feb. 18 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Benjamin Atwell*, Westbury, Wiltshire, builder, Feb. 19 at 1, Court of Bankruptcy, London.—*Joshua Melcalfe*, Fenchurch-street, London, merchant, Feb. 18 at 11, Court of Bankruptcy, London.—*William Bacon*, Brentwood, Essex, grocer, Feb. 18 at 11, Court of Bankruptcy, London.—*John Robinson*, Nassau-place, Commercial-road East, and Cannon-street-road, Middlesex, wholesale clothier, Feb. 18 at 12, Court of Bankruptcy, London.—*Edmund Lloyd*, Gloucester, vinegar manufacturer, Feb. 22 at 11, District Court of Bankruptcy, Bristol.—*Roger Richards*, Wrexham, Denbighshire, chemist, Feb. 21 at 11, District Court of Bankruptcy, Liverpool.—*Richard Jones*, Oswestry, Shropshire, hatter, Feb. 23 at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Thomas Brooks*, Great Percy-street, Lloyd-square, Pentonville, Middlesex, and Abchurch-lane, London, boarding-house keeper.—*Charles Stuart Voules*, New Windsor, Berkshire, scrivener.—*John Winzar*, Salisbury, Wiltshire, apothecary.—*John Rymer*, Gateshead, Durham, paper manufacturer.—*R. Hadland*, St. Helen's, Lancashire, glass manufacturer.—*Wm. Hery Stafford*, Sheffield, Yorkshire, painter.

#### PARTNERSHIPS DISSOLVED.

*Nathaniel Hollingsworth*, *Charles Rich Tyerman*, and *John Johnston*, Gresham-street, London, solicitors and attorneys, (under the firm of Stokes, Hollingsworth, Tyerman, & Johnston).—*Roger Williams Goss* the younger and *William Decker*, Birmingham, attorneys and solicitors.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Andrew Read*, Norton St. Philip, Somersetshire, licensed maltster, Feb. 9 at 11, County Court of Somersetshire, at Frome.—*Philip Dowden*, Crossington, Somersetshire, tailor, Feb. 19 at 10, County Court of Somersetshire, at Bridgwater.—*James Stark*, Bridgwater, Somersetshire, shoemaker, Feb. 19 at 10, County Court of Somersetshire, at Bridgwater.—*George Townsend*, Newport, Monmouthshire, labourer, Feb. 9 at 10, County Court of Monmouthshire, at Newport.—*Thos. Matherly Exley*, West Lynn, St. Peter's, Norfolk, blacksmith, Feb. 9 at 9, County Court of Norfolk, at King's Lynn.—*William Lock*, North Newton, North Petherton, Somersetshire, general-shop keeper, Feb. 19 at 10, County Court of Somersetshire, at Bridgwater.—*William Mills*, Springhead, Wellesbury, Staffordshire, market gardener, Feb. 17 at 9, County Court of Staffordshire, at Walsall.—*James Bulrold*, Mizereton, Nottinghamshire, farmer, Feb. 14 at 12, County Court of Lincolnshire, at Gainsborough.—*Joseph Bentley*, Leicester, agent for the sale of ale, Feb. 16 at 10, County Court of Leicestershire, at Leicester.—*Wm. Smith*, Buxton, Derbyshire, clerk to a land agent, Feb. 11 at 10, County Court of Derbyshire, at Chapel-en-le-Frith.—*Maria Finney*, widow, Ellastone, Staffordshire, cordwainer, Feb. 8 at 11, County Court of Derbyshire, at Ashbourne.—*Joseph Morgan*, Mountain Ash, Aberdare, Glamorganshire, grocer, Feb. 8 at 10, County Court of Glamorganshire, at Merthyr Tydvil.—*Thomas Self* the younger, Norwich, grocer, Feb. 11 at 10, County Court of Norfolk, at Norwich.—*Henry Pointin*, Norwich, confectioner, Feb. 12 at 10, County Court of Norfolk, at Norwich.—*James Bugge*, Norwich, licensed victualler, Feb. 12 at 10, County Court of Norfolk, at Norwich.—*John Stock*, Prescot, Lancashire, beer seller, Feb. 9 at 12, County Court of Lancashire, at St. Helen's.—*James Moss*, Ipswich, Suffolk, foreman to a tailor, Feb. 11 at 10, County Court of Suffolk, at Ipswich.—*Thomas B. Brook*, Kedington, Suffolk, relieving officer, Feb. 14 at 2, County Court of Suffolk, at Haverhill.—*Edward Lander*, Newmarket All Saints, Cambridgeshire, grocer, Feb. 12 at 12, County Court of Cambridgeshire, at Newmarket.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 11 at 11, before the CHIEF COMMISSIONER.*

*Richard Grindell*, Bacon-street, Church-st., Bethnal-green, Middlesex, horse dealer.—*George William Luff*, Pall-mall, Middlesex, waiter.

*Feb. 11 at 10, before Mr. Commissioner LAW.*

*George Osborn*, Susannah-st., East India-road, Middlesex, shoemaker.

*Feb. 12 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Foulger*, Woodcote End, Epsom, Surrey, grocer.—*George Caston*, Southampton-terrace, Camberwell, Surrey, out of business.—*Francisco Edward H. Zeluti*, Sussex-place, Rotherfield-st., Islington, Middlesex, professor of music.—*Wm. J. C. Hall*, Dover-road, St. Mary Newington, Surrey, schoolmaster.

*Feb. 14 at 10, before Mr. Commissioner LAW.*

*Thomas Cracknell*, Enfield, Middlesex, labourer to a market gardener.

*Feb. 14 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Juckan*, North-place, Kingland-road, Middlesex, woollendraper.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 10 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Warner*, Plough-yard, Shoreditch, Middlesex, assistant to a smith.

*Feb. 11 at 10, before Mr. Commissioner LAW.*

*M. F. Monckton*, Park-street, Dorset-square, Middlesex, gentleman.—*Francis Lagarde*, Taunton-mews, Dorset-square, Middlesex, professor of languages.—*John Smeed*, Drummond-crescent, Euston-square, Middlesex, baker.—*J. T. Bowden*, Hand-court, Holborn, Middlesex, tailor.—*Charles J. Potter*, Tachbrook-street, Fimlico, Middlesex, locksmith.

*Feb. 12 at 11, before Mr. Commissioner PHILLIPS.*

*Taleb Bokhal*, Mansell-street, Goodman's-fields, Middlesex, and Mogadore and Ribat, Africa, merchant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at BRISTOL, Feb. 9 at 11.*

*Henry James Braham*, Bristol, optician.

*At the County Court of Berkshire, at READING, Feb. 10 at 11.*

*George Harris*, Reading, builder.

*At the County Court of Glamorganshire, at CARDIFF, Feb. 11.*

*Edward Rhoderick*, Dowlais, near Merthyr Tydvil, grocer.—*Robt. Bisley Williams*, Margam, out of business.—*Morgan William*, Aberdare, labourer.

*At the County Court of Norfolk, at NORWICH, Feb. 11.*

*Robert P. Bacon*, Great Yarmouth, hatter.—*Chas. Boutell* the younger, Litcham, clerk.

*At the County Court of Durham, at DURHAM, Feb. 11.*

*Thomas Archer*, Dunston, jobbing smith.—*F. B. Henderson*, Monkwearmouth Shore, butcher.—*James Smith*, Darlington, shoemaker.—*Anthony Stark*, Five Houses, near Trimdon, publican.—*John Shankley*, New Durham, gardener.—*John Wood*, South Shields, shoemaker.

*At the County Court of Lancashire, at LANCASTER, Feb. 11 at 11.*

*Samuel Cooper*, Ashton-under-Lyne, carter.—*H. Howes*, Norwich, bricklayer.—*Daniel Shaw*, Patricroft, near Manchester, boat builder.—*Isaac Holt*, Ashton-under-Lyne, out of business.—*Robert Davison*, Liverpool, foreman to a coach-



smith.—*John Banks*, Waterloo, near Liverpool, out of business.—*George Forster*, Standish, overlooker of a colliery.—*Wm. Knowles*, Kendal, butcher.—*Roger Dewhurst* the elder, Blackburn, sawyer.—*James Dewhurst*, Southport, butcher.—*James Fitzpatrick*, Liverpool and Manchester, flour dealer.—*Michael Fitzpatrick*, Liverpool and Manchester, flour dealer.—*John Brownell*, Hulme, out of business.—*William Oliver*, Liverpool, joiner.—*James E. Lister*, Preston, chemist.—*Jas. Macgowan*, Manchester, shoemaker.—*Thomas Brown*, Heaton Norris, tailor.—*Thomas Charnock*, Manchester, labourer.—*Henry Sharples*, Blackburn, black-pudding manufacturer.—*Rice Jones*, Liverpool, butcher.

*At the County Court of Kent, at DOVER, March 3 at 10.*  
*H. A. K. Proctor*, Deal, out of business.

## TUESDAY, FEBRUARY 1.

### BANKRUPTS.

**JAMES BETTERIDGE**, late of Chapel-street, Islington, Middlesex, and Whitecross-street, Cripplegate, London, and now of Watlington, Oxfordshire, tea dealer and grocer, Feb. 11 at 11, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Hill & Mathews, St. Mary-axe.—Petition filed Jan. 17.

**JOSEPH FREDERICK MASON**, Dover, Kent, draper, dealer and chapman, Feb. 15 and March 15 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Turner & Turner, 68, Aldermanbury, London.—Petition filed Jan. 28.

**MILES SUMNER**, Liverpool, brewer, dealer and chapman, Feb. 14 and March 7 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Francis & Almond, Liverpool.—Petition filed Jan. 22.

**EDWARD WILLIAMS**, Liverpool, block and spar manufacturer, dealer and chapman, Feb. 14 and March 7 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Roby, Liverpool.—Petition filed Jan. 27.

**JOHN LANGDALE**, Liverpool, laceman, glover, and hosier, Feb. 14 and March 7 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Robinson & Atkinson, Hull and Beverley; Evans & Son, Liverpool.—Petition filed Jan. 29.

### MEETINGS.

*John Smith Daintry* and *John Ryle*, Manchester, bankers, Feb. 11 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Robert Grear*, Bradley-terrace, Wandsworth-road, Surrey, and Long-acre, Middlesex, wax chandler, Feb. 15 at 1, Court of Bankruptcy, London, last ex.—*Henry Vennall*, Hastings, Sussex, stonemason, Feb. 12 at 12, Court of Bankruptcy, London, aud. ac.—*George Lester*, High-street, Poplar, Middlesex, builder, Feb. 14 at 12, Court of Bankruptcy, London, aud. ac.—*Robert H. Murray*, Alfred-place, Camden-road, Islington, Middlesex, baker, Feb. 15 at 12, Court of Bankruptcy, London, aud. ac.—*Joseph Forster*, *John Forster*, and *Wm. Forster*, Carlisle, Cumberland, bankers, Feb. 18 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Edward Hemming*, Feckenham, Worcestershire, needle manufacturer, Feb. 24 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Alfred Newbold* and *Edward Newbold*, Birmingham, drapers, Feb. 23 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. James Pazman* and *Catherine Pazman*, Hare-street, Bethnal-green, Middlesex, silk dyers, Feb. 19 at half-past 1, Court of Bankruptcy, London, div.—*Robt. F. Long* and *R. W. Long*, Gray's-inn-place, and Warwick-street, Regent-street, Middlesex, builders, Feb. 19 at half-past 12, Court of Bankruptcy, London, div.—*Robert David Mercer*, Church-passage, Spital-square, Bishopsgate-street Without, Middlesex, silk merchant, Feb. 19 at 2, Court of Bankruptcy, London, div.—*Harry Burton*, York-square, Commercial-road East, Middlesex, clerk in her Majesty's Customs, London, Feb. 19 at half-past 2, Court of Bankruptcy, London, div.—*Samuel Eardley*, Tunstall, Staffordshire, joiner, Feb. 19 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Feb. 26 at 10, div.—*John Timothy*, Liverpool, flour dealer, Feb. 22 at 11, District Court of Bankruptcy, Liverpool, div.—*Matthew Brickdale* and *John Brickdale*, Taunton, Somersetshire, bankers, Feb. 23 at 11, District Court of Bankruptcy, Exeter, div. sep. est. of *M. Brickdale*.—*John Cridland*, Sidmouth, Devonshire, grocer, Feb. 23 at 11, District Court of Bankruptcy, Exeter, div.—*Thomas W.*

*Sharland*, Liverpool, tea broker, Feb. 22 at 11, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Robinson*, Maidstone, Kent, linendraper, Feb. 23 at half-past 12, Court of Bankruptcy, London.—*Chas. Arnold*, Watling-street, Cheapside, and Gracechurch-street, London, dealer in provisions, Feb. 23 at 1, Court of Bankruptcy, London.—*Wm. Barleyman*, Feering, Essex, carpenter, Feb. 23 at half-past 2, Court of Bankruptcy, London.—*Richard Eaton Noble*, Down-street, Piccadilly, Middlesex, plumber, Feb. 23 at 2, Court of Bankruptcy, London.—*Daniel M. Ford*, Laurence-lane, Cheapside, London, carrier, Feb. 25 at 1, Court of Bankruptcy, London.—*Henry A. Barker*, Hope Wharf, City-road, Middlesex, coal merchant, Feb. 22 at 1, Court of Bankruptcy, London.—*Henry Fisher* and *Edward William Selwood*, Aldersgate-st., London, wholesale milliners, Feb. 22 at 12, Court of Bankruptcy, London.—*David Gibson*, Newcastle-upon-Tyne, grocer, Feb. 22 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thomas Manley*, Exeter, cattle salesman, Feb. 23 at 11, District Court of Bankruptcy, Exeter.

*To be granted, unless an Appeal be duly entered.*

*Wm. Lawson*, Diss, Norfolk, chemist.—*Francis Lewin*, Ragland, Monmouthshire, engineer.—*Wm. Rolph*, Billericay, Essex, brewer.—*Herbert Ashton*, Aldermanbury, London, warehouseman.—*Henry Broome*, Haymarket, Middlesex, victualler.—*Robert Pritchard*, Bangor, Carnarvonshire, porter dealer.—*John German Harrison*, Liverpool, dealer in locks.—*Joseph Day* and *Thomas Day*, Macclesfield, Cheshire, silk manufacturers.—*Amos L. Stocks*, Huddersfield, Yorkshire, draper.—*Wm. T. Carr*, Barnsley and Oughtibridge, Yorkshire, ironmonger.

### FIAT ANNULLED.

*Richard Hunt*, Kingston-upon-Hull, hosier.

### SCOTCH SEQUESTRATIONS.

*David Morris*, Paisley, batter.—*Duncan McIntyre*, Glasgow, wine merchant.—*James Speirs*, Hamilton, Lanarkshire, carrier.—*David Guthrie*, Glasgow, victualler.—*Wm. Aitken* and *John Gillespie*, Glasgow, grocers.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*N. Buchanan*, St. Leonard's-on-Sea, Sussex, hair dresser, Feb. 21 at 11, County Court of Sussex, at Hastings.—*Handel Hibbs*, Chorlton-upon-Medlock, Manchester, out of business, Feb. 21 at 11, County Court of Lancashire, at Manchester.—*John Bostock*, Hulme, Manchester, brewer's traveller, Feb. 21 at 11, County Court of Lancashire, at Manchester.—*Wm. B. Richardson*, Coventry, Warwickshire, chemist, Feb. 16 at 12, County Court of Warwickshire, at Coventry.—*James London Webster*, Camphill Wordesley, Kingswinford, Staffordshire, clerk in an iron foundry, Feb. 14 at 10, County Court of Worcestershire, at Stourbridge.—*Adam J. Clarke*, Belford, near Great Driffeld, Yorkshire, assistant to a chemist, Feb. 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Herbert*, Rugby, Warwickshire, relieving officer, Feb. 25 at 10, County Court of Warwickshire, at Rugby.—*George Manwaring*, St. Mary, Warwickshire, grocer, Feb. 14 at 2, County Court of Warwickshire, at Warwick.—*Edward Eno*, Sutton St. James, Lincolnshire, farmer, Feb. 24 at 11, County Court of Lincolnshire, at Holbeach.—*Joseph Bedford*, Chatteris, Isle of Ely, Cambridgeshire, victualler, Feb. 26 at 12, County Court of Cambridgeshire, at March.—*G. Waghorn*, Ticehurst, Sussex, builder, Feb. 17 at 10, County Court of Kent, at Tunbridge Wells.—*Wm. Statters*, Sutton-in-Holderness, Yorkshire, nurseryman, Feb. 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Robert Gibson*, Kingston-upon-Hull, out of business, Feb. 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*George Thompson*, Dunswell, Yorkshire, farmer, Feb. 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Harry Luke Dillon*, Rugby, Warwickshire, railway post-office clerk, Feb. 25 at 10, County Court of Warwickshire, at Rugby.—*John Hall*, Hythe, Kent, shoemaker, Feb. 5 at 11, County Court of Kent, at Hythe.—*Robert Robinson*, Netherton, Dudley,

Worcestershire, draper's assistant, Feb. 18 at 9, County Court of Worcestershire, at Dudley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 16 at 11, before the CHIEF COMMISSIONER.*

*Henry Pook, George-terrace, Park-road, Peckham, Surrey, clerk to an attorney.*

*Feb. 16 at 10, before Mr. Commissioner LAW.*

*John W. Carr, Frances-street, Waterloo-road, Lambeth, Surrey, painter.*

*Saturday, Jan. 29.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*C. Doddsley, Swinnerton, Staffordshire, clerk, No. 71,934 C.; William Ward Abbott, new assignee, William Greaves, deceased.—Robert Blackley, Higher Broughton, Manchester, bleacher, No. 75,893 C.; Thomas Cass, assignee.—William Henry Buckland, Littleport, Ely, Cambridgeshire, surgeon's assistant, No. 75,925 C.; Key Hardey, assignee.—T. Strickland, New Preston, Lancashire, retail dealer in ale, No. 63,671 C.; Richard Threefall, assignee.—Sarah Wynn, widow, Blackwater, Bradwell next Coggeshall, Essex, farmer, No. 75,841 C.; Francis Blake, assignee.—James Whittle, Chorley, Lancashire, joiner, No. 75,944 C.; William Rutherford, assignee.—Elias Wise, Mortimer-house, Battersea-fields, Battersea, Surrey, out of employ, No. 63,386 T.; Thomas Braund, assignee.—Edward Boden, Parkfields, near Wolverhampton, Staffordshire, shoemaker, No. 75,803 C.; Charles Collins, assignee.*

*Saturday, Jan. 29.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Peter Samuel Campbell, Freeschool-street, Horselydown, Southwark, Surrey, cheesemonger: in the Gaol of Surrey.—James Cross Butcher, Bermondsey, Surrey, licensed victualler: in the Gaol of Surrey.—James Randall, Wellington-row, Bethnal-green, Middlesex, timber merchant: in the Debtors Prison for London and Middlesex.—W. Chapman, Blackfriars-road, Christchurch, Surrey, out of business: in the Queen's Prison.—F. Redmond the younger, Child's-hill, Hampstead, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—J. Styles, Wentworth-st., Whitechapel, Middlesex, potato salesman: in the Debtors Prison for London and Middlesex.—T. Ubedell, Great Portland-st., Middlesex, fringe manufacturer: in the Queen's Prison.—James Dodson, Hampton-street, Walworth, Surrey, clerk to a hop factor: in the Gaol of Surrey.—Nathaniel Franklin, Queen's-row, Walworth, Surrey, builder: in the Queen's Prison.—Christian Philipp Sacks, Macclesfield-street, Soho, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Thomas Peppin, Lime-street, London, coal merchant: in the Debtors Prison for London and Middlesex.—Joshua Hudson, Robert-street, Adelphi, Middlesex, engineer: in the Debtors Prison for London and Middlesex.—Mark Cohen, Sumner-place, Plumstead-road, near Woolwich, Kent, out of business: in the Debtors Prison for London and Middlesex.—Henry Stone, Chepstow-place, Westbourne-grove, Middlesex, harness maker: in the Debtors Prison for London and Middlesex.—Jas. Jaques, Mount-street, New-road, Whitechapel, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—John Brownell, Hulme, Manchester, engraver to calico printers: in the Gaol of Lancaster.—William Oliver, West Derby, Liverpool, joiner: in the Gaol of Lancaster.—George Mallas, Robert-town, near Leeds, Yorkshire, shoemaker: in the Gaol of York.—James Fitzpatrick, Liverpool, baker: in the Gaol of Lancaster.—Michael Fitzpatrick, Manchester, baker: in the Gaol of Lancaster.—Wm. Riding, Lodge Farm, Hoghton, near Blackburn, Lancashire, farmer: in the Gaol of Lancaster.—Edward Eyes the elder, Colton, near Rugeley, Staffordshire, architect: in the Gaol of Stafford.—Thos. Charnock, Strangeways, Cheetham, Manchester,*

*coal dealer: in the Gaol of Lancaster.—Rice Jones, Toxteth-park, Liverpool, tailor: in the Gaol of Lancaster.—James E. Lister, Walton-le-Dale, near Preston, Lancashire, chemist: in the Gaol of Lancaster.—James Margousan, Manchester, bootmaker: in the Gaol of Lancaster.—Henry Sharles, Blackburn, Lancashire, ginger-beer manufacturer: in the Gaol of Lancaster.—Michael Sheard, Bridge-end, Almondbury, near Huddersfield, Yorkshire, corn miller: in the Gaol of York.—Samuel A. Hayes, Exeter, clerk: in the Gaol of Exeter.—Wm. Appleby, Birmingham, screw cutter: in the Gaol of Coventry.—John Smith, Birmingham, chemist: in the Gaol of Coventry.—John Nicholson, North Shields, Northumberland, master mariner: in the Gaol of Durham.—Thomas Jas. Marsden Tallentire, Hoghton-bottoms, near Blackburn, Lancashire, grocer: in the Gaol of Lancaster.—Thomas White, Blackburn, Lancashire, baker: in the Gaol of Lancaster.—Wm. Welch the younger, Birmingham, fruiterer: in the Gaol of Coventry.—J. Biggs, Welford, Northamptonshire, hoiser: in the Gaol of Northampton.—J. Walker, Kates-hill, Dudley, Worcestershire, beer-house keeper: in the Gaol of Worcester.—E. B. Goldsmith, Cambridge, licensed victualler: in the Gaol of Cambridge.—T. Balderson, Kirkgate, Huddersfield, Yorkshire, innkeeper: in the Gaol of York.—W. Caheny, Knarborough, Yorkshire, joiner: in the Gaol of York.—George Emaley, Bradford, Yorkshire, stuff presser: in the Gaol of York.—James Jackson, Leeds, Yorkshire, cabinet-maker: in the Gaol of York.—Arthur Mark Oakes, Sheffield, Yorkshire, dealer in porter: in the Gaol of York.—Thomas Chaffield, Southwick-green, near Brighton, Sussex, baker: in the Gaol of Lewes.—Frederick Lawrence, Gravesend, Kent, out of business: in the Gaol of Maidstone.—Henry Willcocks, Aveston Gifford, Devonshire, maltster: in the Gaol of St. Thomas the Apostle.—Stephen Birch, Birmingham, out of business: in the Gaol of Coventry.—Wm. Bickerton, Howden, Yorkshire, out of business: in the Gaol of York.—Wm. Cawson, Rodley, near Leeds, Yorkshire, dealer in woollen and stuff pieces: in the Gaol of York.—Thos. Dawson, Scholes, near Abberford, Yorkshire, corn dealer: in the Gaol of York.—Samuel Raistrick, Leeds, Yorkshire, out of business: in the Gaol of York.—Joshua Sharp, Pudsey, near Leeds, Yorkshire, chemist: in the Gaol of York.—William Shaw, Maltham, Almondbury, Yorkshire, cloth merchant: in the Gaol of York.—William Snowball, Leeds, Yorkshire, tailor: in the Gaol of York.—Edmund Brasher, Fordingbridge, Hampshire, bricklayer: in the Gaol of Winchester.—John Hawkins, Cotham, near Portsmouth, Hampshire, licensed victualler: in the Gaol of Winchester.—Walter Oakshott, Arundel, Sussex, baker: in the Gaol of Lewes.—David Thomas, Honeyhook-hill, Lambston, Pembrokeshire, shoemaker: in the Gaol of Haverfordwest.—Joseph Wilkins, Tickmoor-end, Horley, Gloucestershire, butcher: in the Gaol of Gloucester.—John Birkbeck, Bradford, Yorkshire, out of business: in the Gaol of York.—John Clough, Bradford, Yorkshire, labourer: in the Gaol of York.—Samuel Walker Gaulkrodger, Knottingley, Yorkshire, shoe dealer: in the Gaol of York.—Samuel Christopher Smith, Glass Houghton, near Pontefract, Yorkshire, farmer: in the Gaol of York.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 14 at 10, before Mr. Commissioner LAW.*

*Robert Webster, Dame-street, Islington, Middlesex, out of business.*

*Feb. 15 at 11, before the CHIEF COMMISSIONER.*

*Alfred Eldrett, Russell-court, Drury-lane, Middlesex, shoemaker.—Geo. West, Brentford, Middlesex, assistant to a grocer.—John Ibbotson, Harrow-road, Paddington, Middlesex, saddler.—Wm. Watson Oldershaw, Old Ford, Middlesex, out of business.—George Levy, Newington-causeway, Surrey, out of business.*

*Feb. 16 at 10, before Mr. Commissioner LAW.*

*James Wheeler, Fish-st.-hill, London, assistant to a cheesemonger.—John Hare Holmes the elder, Brixton, Surrey, not in any profession.—John Blackmur the younger, Thomas-st., Bethnal-green, Middlesex, timber merchant.*

*Feb. 17 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Proudman, Red Lion-st., Spitalfields, Middlesex,*

saddler.—*Job Barker*, Queen-street, Lower-road, Islington, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Warwickshire, at WARWICK, Feb. 14 at 10.*

*Charles Green* the elder, Coventry, carpenter.—*Edward Jordan Merry*, Coventry, watch jeweller.

*At the County Court of Warwickshire, at COVENTRY, Feb. 16 at 12.*

*Charles Balls* the younger, Handsworth juxta Birmingham, Staffordshire, out of business.—*W. Welch* the younger, Birmingham, fruiterer.—*Stephen Birch*, Birmingham, out of business.—*Wm. Appleby*, Birmingham, screw cutter.—*John Smith*, Birmingham, chemist.

*At the County Court of Somersetshire, at TAUNTON, Feb. 16.*

*Robert Tucker*, Ashcott, near Glastonbury, attorney and solicitor.

*At the County Court of Sussex, at LEWES, Feb. 22.*

*Thomas Turner*, Sedlescomb, victualler.

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# The Jurist

No. 840—VOL. XVII.

FEB. 12, 1853.

Price 1s., with Supplement, 2s.

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LONDON, FEBRUARY 12, 1853.

THE doctrine of constructive notice is of such frequent application in equity, that some observations upon it may not be inconvenient to our more experienced readers, and will probably be very useful to those who are only commencing their professional career. The broad principle of it is this—that, by employing an agent, a party, keeping himself personally ignorant, might easily avoid rights and claims which would be binding upon him if he had notice of them, and thus derive an undue advantage over other persons, which he could not have obtained had he acted for himself; therefore, equity, considering the knowledge of the agent as affecting the principal, and as common to them both, whether it be so in fact or not, will not allow a person, so dealing, to profit by the knowledge of the agent he employs, without being at the same time affected by the obligations which that knowledge imposes upon those possessing it.

Notice to the solicitor of a person is equivalent to notice to the party himself, and is as binding upon him. (*Newstead v. Searles*, 1 Atk. 265; *Brotherton v. Hutt*, 2 Vern. 574; *Ashley v. Baillie*, 2 Ves. sen. 368; *Sheldon v. Cox*, Amb. 624; S. C., 2 Eden, 224; *Maddox v. Maddox*, 1 Ves. sen. 61; *Mountford v. Scott*, 3 Mad. 34; S. C., Turn. & R. 274; *Winter v. Lord Anson*, 3 Russ. 483; *Hargreaves v. Rothwell*, 1 Kee. 154; *Tunhall v. Trappes*, (*Gosling's case*), 3 Sim. 301; *Kennedy v. Green*, 3 My. & K. 699; *Fuller v. Bennett*, 2 Hare, 394; *Gerrard v. O'Reilly*, 3 Dru. & W. 414; *Marjoribanks v. Howdon*, 1 Dru. 11). And where

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a purchaser or a mortgagee employs the same solicitor as the vendor or mortgagor, he is affected with notice of whatever the solicitor has notice of, in his capacity of solicitor for either party, in the transaction in which he is so employed. (*Le Neve v. Le Neve*, 3 Atk. 646; S. C., 1 Ves. sen. 64, and Suppl. 50; also 1 Amb. 436, and 2 Lead. Cas., by White & Tudor, 21; *Toulmin v. Steere*, 3 Mer. 210; *Dryden v. Frost*, 3 My. & C. 670; *Fuller v. Bennett*, 2 Hare, 394). The notice to the solicitor, which alone will bind the client, must, however, be notice in the transaction in which he is so employed by him; the client will not be bound by notice to the solicitor in a distinct transaction at a different time, as the latter may have forgotten it, (*Lowther v. Carlton*, 2 Atk. 242; *Warwick v. Warrack*, 3 Atk. 291; *Worsley v. Scarborough*, Id. 392; *Hiern v. Mill*, 13 Ves. 114), unless one transaction is so recent or closely followed by another as to render it impossible to give a man credit for having forgotten it; as where a solicitor, employed by a mortgagor in effecting several incumbrances upon an estate, is also employed by the different incumbrancers in completing their charges upon the property, in which case the Court holds the puisne incumbrancers affected with notice of the prior charge, for having employed the mortgagor's solicitor, who of necessity was affected with such notice, and which notice, though obtained in his character of solicitor for the mortgagor, was binding upon both parties, for whom he acted in the new transaction. (*Mountford v. Scott*, Turn. & R. 274; *Hargreaves v. Rothwell*, 1 Kee. 154; *Winter v. Lord Anson*, 3 Russ. 488; *Perkins v. Bradley*, 1 Hare, 219;

*Marjoribanks v. Havendon*, 1 Dru. 11; *Fuller v. Bennett*, 2 Hare, 394).

In *Hargreaves v. Rothwell* (1 Kee. 154) the mortgagor thrice mortgaged the same property in the course of three years—first to the defendant; then to the plaintiff, with notice of the first charge; and then again to the defendant, without any direct notice of the second charge; but in all these transactions one solicitor was employed for the mortgagor and both the mortgagees; and consequently, upon a bill filed by the plaintiff, claiming priority over the second mortgage to the defendant, on the ground of his having constructive notice, through the common solicitor of all parties, of the plaintiff's charge, Lord Langdale, after expressing a clear opinion that where one transaction was closely followed by and connected with another, or where it was clear, as in the case before the Court, that a previous transaction was present to the mind of the solicitor when engaged in another transaction, there was no ground for the distinction by which the rule that notice to the solicitor is notice to the client had been restricted to the same transaction, held that the plaintiff was entitled to priority in respect to the second mortgage.

Again: in *Fuller v. Bennett*, (2 Hare, 394), A., the owner of an estate, in February, 1831, commenced a treaty with the defendant B., for sale to him; subsequently, in November, 1831, A. created a charge, by way of equitable mortgage, upon the property, in favour of C., who afterwards assigned his interest to the plaintiffs in the suit; whereupon they gave notice, as well of the equitable mortgage to C. as of its assignment to them, to Messrs. F. & Co., the solicitors of the defendant B. In the following year another party filed a bill against A. and B. and others, claiming to be equitably entitled to the estate in question; but in November, 1835, that bill was dismissed, with costs. Shortly afterwards A. died, and B. purchased the estate of his heiress-at-law and devisee, and, after the completion of the purchase, mortgaged it, with other properties, to the defendant M., who employed F. & Co., the solicitors of the defendant B., in that transaction; and upon a bill filed by the plaintiffs to enforce their security, the late Vice-Chancellor Sir James Wigram held that the defendant B. could not escape the consequences of the notice given by the plaintiffs to his solicitors, and that, as he was bound by it, the defendant M. must be bound by it also, not because, abstractedly, he was to be bound by facts which came to the knowledge of his solicitor in other transactions, but because the solicitor he employed in the business of the mortgage had notice of the plaintiffs' interests, as the solicitor of the mortgagor, in the very transaction in which he, the mortgagee, so employed him.

The two last cases strikingly demonstrate the mischief of persons in the situation of contracting parties employing the same solicitor. In *Fuller v. Bennett*, had the mortgagee, M., employed another solicitor, instead of the solicitor of the mortgagor, B., he would not, of course, have been affected with the notice Messrs. F. & Co., as the solicitors of B., had of the plaintiffs' interest, and would have been a purchaser of the legal estate for a valuable consideration, without notice of the prior equitable right of the plaintiffs; and, according to the well-established principles of the Court, it would not have interfered against him to deprive him of the benefit of his legal priority honestly obtained. So, in *Hargreaves v. Rothwell*, if the defendant had acted through an independent solicitor, instead of employing the solicitor of the mortgagor, he would not have been affected with the notice of the plaintiff's mortgage, which the common solicitor of both the plaintiff and defendant had as solicitor of the mortgagor; and so, being a mortgagee advancing a further sum of money, without notice of an intermediate advance, would have been

entitled in equity to tack his second charge to his first, and so have excluded the plaintiff's charge until his entire claim on the mortgage property had been satisfied. Indeed, the impropriety of contracting parties acting by one solicitor has been guarded against by one of the General Orders of the Court, (the 77th Order of April, 1828), which provides, that whenever, in any proceeding before a Master, the same solicitor is employed for two or more parties, such Master may, at his discretion, require that any of the said parties shall be represented before him by a distinct solicitor, and may refuse to proceed until such party is so represented.

## REGULA GENERALIS.

### ORDER OF COURT.—Jan. 31, 1853.

I, the Right Hon. ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, do hereby order and direct in manner following, that is to say—

That the Registrar, in drawing up any decree or order whereby the Accountant-General shall be directed to pay or transfer any fund, or part of any fund, in respect of which any duty shall be payable to the revenue under the acts relating to legacy duty, shall, unless such decree or order expressly provide for the payment of the duty, direct the Accountant-General to have regard to the circumstance that such duty is payable; and where, by any decree or order, any carrying over to a separate account of any fund in respect of which any such duty may be chargeable shall be directed, the Registrar shall add the words "subject to legacy duty" to the title of the account. And in order the better to provide security against the payment or transfer by the Accountant-General of any fund chargeable with any such duty without the duty being first paid, the Accountant-General is, on receiving notice from the proper officer that the duty is payable, to cause a memorandum to be made in his books in conformity with such notice. And the Accountant-General, before executing any decree or order directing the payment or transfer of any fund, or part of any fund, in respect of which any such duty shall be payable, shall require the production of the official receipt for the duty, or a certificate from the proper officer of the payment of the duty chargeable in respect of any such fund, or any portion thereof, respectively, by any such decree or order directed to be paid or transferred. And I do further order and direct that where, in making any decree or order, express provision for the payment of any such duty shall be intended to be made, such duty shall, by such decree or order, be directed to be paid to the Receiver-General of Inland Revenue for the time being, or his official assistant duly constituted, to be named in the order.

(Signed) CRANWORTH, C.

## Court Papers.

EQUITY SITTINGS, AFTER HILARY TERM, 1853.

### Court of Chancery.

Before the LORD CHANCELLOR and Lords Justices, at Lincoln's Inn.

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Wednesday	..... 9	Lunatic Petitions and Appeals.
Thursday	..... 10	Appeals.
Friday	..... 11	Petitions in Bankruptcy and Appeal Petitions.
Saturday	..... 12	
Monday	..... 14	Appeals.
Tuesday	..... 15	
Wednesday	..... 16	Lunatic Petitions and Appeals.

Thursday .....	17	Appeals.
Friday .....	18	Petitions in Bankruptcy and Appeal Petitions.
Saturday .....	19	Appeals.
Monday .....	21	Appeals.
Tuesday .....	22	Second Seal.—Appeal Motions.
Wednesday .....	23	Lunatic Petitions and Appeals.
Thursday .....	24	Appeals.
Friday .....	25	Petitions in Bankruptcy and Appeal Petitions.
Saturday .....	26	Appeals.
Monday .....	28	Appeals.
Tuesday... <i>March</i> 1		
Wednesday .....	2	Lunatic Petitions and Appeals.
Thursday .....	3	Appeals.
Friday .....	4	Petitions in Bankruptcy and Appeal Petitions.
Saturday .....	5	Appeals.
Monday .....	7	Appeals.
Tuesday .....	8	Third Seal.—Appeal Motions.
Wednesday .....	9	Lunatic Petitions and Appeals.
Thursday .....	10	Appeals.
Friday .....	11	Petitions in Bankruptcy and Appeal Petitions.
Saturday .....	12	Appeals.
Monday .....	14	Appeals.
Tuesday .....	15	Appeals.
Wednesday .....	16	Lunatic Petitions and Appeals.
Thursday .....	17	Appeals.
Friday .....	18	Fourth Seal.—Appeal Motions.
Saturday .....	19	Petitions in Bankruptcy and Appeal Petitions.

N. B.—During these sittings the Court will be formed by the Lords Justices alone upon the days on which the Lord Chancellor shall be engaged in the House of Lords.

The Lord Chancellor and the Lords Justices will also occasionally sit in distinct courts; notice will be given of the days.

#### Vice-Chancellors' Courts.

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Lincoln's Inn.*

Tuesday.... <i>Feb.</i> 8	First Seal.—Motions and three Causes.
Wednesday .....	9 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	10 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	11 Petitions (unopposed first).
Saturday .....	12 Short Causes, Short Claims, and General Paper.
Monday .....	14 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	15 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	16 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	17 Petitions (unopposed first).
Friday .....	18 Short Causes, Short Claims, and General Paper.
Saturday .....	19 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	21 Second Seal.—Motions.
Tuesday .....	22 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	23 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	24 Petitions (unopposed first).
Friday .....	25 Short Causes, Short Claims, and General Paper.
Saturday .....	26 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	28 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday... <i>March</i> 1	
Wednesday .....	2 Petitions (unopposed first).
Thursday .....	3 Short Causes, Short Claims, and General Paper.
Friday .....	4 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	5 Third Seal.—Motions.
Monday .....	7 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	8 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	9 Petitions (unopposed first).
Thursday .....	10 Short Causes, Short Claims, and General Paper.
Friday .....	11 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	12 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	14 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	15 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	16 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

Thursday .....	17	Short Causes, Short Claims, and General Paper.
Friday .....	18	Fourth Seal.—Motions.
Saturday .....	19	Petitions.

N. B.—Unopposed Petitions at the sitting of the Court, not exceeding ten, (except Seal Day).

*Before Vice-Chancellor STUART, at Lincoln's Inn.*

Tuesday .... <i>Feb.</i> 8	First Seal.—Motions.
Wednesday .....	9 Short Causes, Short Claims, and General Paper.
Thursday .....	10 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	11 Petitions (unopposed first).
Saturday .....	12 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	14 Short Causes, Short Claims, and General Paper.
Tuesday .....	15 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	16 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	17 Petitions (unopposed first).
Friday .....	18 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	19 Short Causes, Short Claims, and General Paper.
Monday .....	21 Second Seal.—Motions.
Tuesday .....	22 Short Causes, Short Claims, and General Paper.
Wednesday .....	23 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	24 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	25 Petitions (unopposed first).
Saturday .....	26 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	28 Short Causes, Short Claims, and General Paper.
Tuesday... <i>March</i> 1	
Wednesday .....	2 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	3 Petitions (unopposed first).
Friday .....	4 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	5 Third Seal.—Motions.
Monday .....	7 Short Causes, Short Claims, and General Paper.
Tuesday .....	8 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	9 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	10 Petitions (unopposed first).
Friday .....	11 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	12 Short Causes, Short Claims, and General Paper.
Monday .....	14 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	15 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	16 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	17 Petitions (unopposed first).
Friday .....	18 Short Causes, Short Claims, and General Paper.
Saturday .....	19 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Tuesday .... <i>Feb.</i> 8	First Seal.—Motions and Claims.
Wednesday .....	9 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	10 Short Causes, Short Claims, and General Paper.
Friday .....	11 Petitions (unopposed first) and General Paper.
Saturday .....	12 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	14 Short Causes, Short Claims, and General Paper.
Tuesday .....	15 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	16 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	17 Petitions (unopposed first) and General Paper.
Friday .....	18 Short Causes, Short Claims, and General Paper.
Saturday .....	19 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	21 Second Seal.—Motions and Claims.
Tuesday .....	22 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	23 Short Causes, Short Claims, and General Paper.
Thursday .....	24 Petitions (unopposed first) and General Paper.
Friday .....	25 Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

Saturday .....	26	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Thursday .....	10	Short Causes, Short Claims, and General Paper.
Monday .....	28		Friday .....	11	
Tuesday .....	March 1				Petitions (unopposed first) and General Paper.
Wednesday .....	2	Short Causes, Short Claims, and General Paper.	Saturday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	3		Monday .....	14	
Friday .....	4	Petitions (unopposed first) and General Paper.	Tuesday .....	15	
Saturday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Wednesday .....	16	Short Causes, Short Claims, and General Paper.
Monday .....	7		Thursday .....	17	
Tuesday .....	8	Third Seal.—Motions and Claims.	Friday .....	18	Fourth Seal.—Motions and Claims.
Wednesday .....	9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Saturday .....	19	Petitions.

## CIRCUITS OF THE JUDGES.

(Mr. Baron PLATT will remain in Town).

SPRING CIRCUITS, 1853.	NORFOLK.	MIDLAND.	HOME.	N. WALES.	S. WALES.	NORTHERN.	WESTERN.	OXFORD.
	Ld. Campbell LCB Pollock	L.C.J. Jervis B. Parke	B. Alderson J. Coleridge	J. Maule	J. Wightman	J. Cresswell B. Martin	J. Erle J. Crompton	J. Williams J. Talfourd
Thursd., Feb. 17	.....	.....	.....	.....	.....	Lancaster	.....	.....
Monday .....	.....	Oakham	.....	.....	.....	Appleby	.....	.....
Tuesday .....	.....	Northampton	.....	.....	.....	.....	.....	.....
Wednesday .....	.....	.....	.....	.....	.....	Carlisle	.....	.....
Thursday .....	.....	.....	Hertford	.....	.....	.....	.....	.....
Saturday .....	.....	Lincoln	.....	.....	.....	Newcastle & [Town]	Winchester	.....
Monday .....	28 Aylesbury	[City]	Chelmsford	.....	.....	.....	.....	Reading
Wedn., March 2	.....	.....	.....	.....	Swansea	Durham	.....	.....
Thursday .....	3 Bedford	Nottingham	.....	.....	.....	.....	.....	Oxford
Saturday .....	5 [City]	[& Town]	.....	.....	.....	.....	Salisbury	.....
Monday .....	7 Huntingdon	.....	Maidstone	.....	.....	.....	.....	.....
Tuesday .....	8 [City]	Derby	.....	.....	.....	York & City	.....	Worcester & [City]
Wednesday .....	9 Cambridge	.....	.....	.....	Haverford- [west & Tn.]	.....	Dorchester	.....
Thursday .....	10 [City]	Leicest. & B.	.....	.....	.....	.....	Exeter & City	Stafford
Saturday .....	12 [City]	.....	Lewes	Welchpool	Cardigan	.....	.....	.....
Monday .....	14 Norwich and [City]	.....	Kingston	Bala	.....	.....	.....	.....
Thursday .....	17 [City]	Coventry	.....	.....	Carmarthen	.....	.....	.....
Friday .....	18 Bury St. Ed.	Warwick	.....	Carnarvon	.....	.....	Bodmin	.....
Saturday .....	19 [City]	.....	.....	.....	.....	.....	.....	Shrewsbury
Monday .....	21 [City]	.....	.....	.....	.....	.....	.....	.....
Tuesday .....	22 [City]	.....	.....	.....	.....	Liverpool	.....	.....
Wednesday .....	23 [City]	.....	.....	Beaumaris	.....	.....	.....	.....
Thursday .....	24 [City]	.....	.....	.....	Brecon	.....	.....	Hereford
Saturday .....	26 [City]	.....	.....	Ruthin	.....	.....	Taunton	.....
Tuesday .....	29 [City]	.....	.....	.....	.....	.....	.....	Monmouth
Wednesday .....	30 [City]	.....	.....	Mold	Presteign	.....	.....	.....
Saturd., April 2	.....	.....	.....	Chester	.....	.....	.....	Gloucester & [City]

## London Gazette.

FRIDAY, FEBRUARY 4.

## BANKRUPTS.

GEORGE ENSER and GEORGE PEARCE, Bethnal-green-road, Middlesex, grocers, tea dealers, and cheesemongers, (trading under the style or firm of Enser & Co.), Feb. 16 and March 16 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Chidley, 19, Gresham-street, City.—Petition filed Dec. 29.

NATHANIEL PEARCE, Silver-street, Wood-street, Cheapside, London, stationer and printer, Feb. 9 and March 15 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Peddell, 142, Cheapside.—Petition filed Jan. 28.

GEORGE MARSH, Carnaby-street, Golden-square, Middlesex, draper, dealer and chapman, Feb. 15 at half-past 11, and March 15 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Ashurst & Son, 6, Old Jewry.—Petition filed Jan. 22.

JOSEPH BAKER, Old Brentford, Middlesex, coal merchant, Feb. 12 at 1, and March 18 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Dimmock & Burbey, 2, Suffolk-lane, London.—Petition filed Feb. 1.

WILLIAM SKELTON the younger, Fowey, Cornwall, blacksmith, dealer and chapman, Feb. 10 at 1, and March 8 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Bishop, Fowey; Bishop & Pitts, Exeter.—Petition filed Jan. 26.

HENRY STONE, Edgeware-rd., Middlesex, harness maker, Feb. 11 at 11, and March 19 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Hoppood, 14, King William-street, Strand.—Petition filed Jan. 29.

THOMAS DAVIES, Aberavon, Glamorganshire, grocer and draper, dealer and chapman, Feb. 17 and March 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Prideaux, Bristol.—Petition filed Jan. 24.

ROBERT OWEN, Manchester, tailor and draper, dealer and chapman, Feb. 14 and March 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Clarke, Leeds.—Petition filed Jan. 31.

WILLIAM DAVISON, Newcastle-upon-Tyne, gun maker, Feb. 16 at 11, and March 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ingledew & Daggett, Newcastle-upon-Tyne; Williamson & Co., 10, Great James-street, Bedford-row, London.—Petition filed Feb. 2.

## MEETINGS.

R. P. Stephens, Liverpool, shipowner, Feb. 15 at 11, District Court of Bankruptcy, Liverpool, pr. d.—Wm. Cooke, Albert-terrace, Bow, Middlesex, miller, Feb. 16 at 12, Court of Bankruptcy, London, last ex.—John Milnes, Rochdale, Lancashire, woolstapler, Feb. 16 at 12, District Court of Bankruptcy, Manchester, last ex.—S. C. Harrison, Sunderland-by-the-Sea, Durham, linendraper, Feb. 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—Thomas Fuller, Braintree, Essex, licensed victualler, Feb. 15 at 11, Court of Bankruptcy, London, aud. ac.—John Spratt, Sloane-street, and Exeter-st., Sloane-st., Chelsea, Middlesex, coach builder,



Feb. 23 at 2, Court of Bankruptcy, London, and. ac.—*James Hill*, Calvert's-buildings, High-street, Southwark, Surrey, hop actor, Feb. 28 at 1, Court of Bankruptcy, London, and. ac.—*Augustine Belletti*, West India Dock-road, Limehouse, Middlesex, mahogany merchant, Feb. 17 at 2, Court of Bankruptcy, London, and. ac.—*James Tyers*, New Crane Corn-shed, Shadwell, Middlesex, wharfinger and coal merchant, Feb. 18 at 12, Court of Bankruptcy, London, and. ac.—*William Bacon*, Brentwood, Essex, grocer, Feb. 16 at 12, Court of Bankruptcy, London, and. ac.—*Edmund William Kelly*, Bath and Bathampton, Somersetshire, livery stable keeper, Feb. 25 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Robert M. Burnie*, Wetherby, Yorkshire, grocer, Feb. 18 at 11, District Court of Bankruptcy, Leeds, and. ac.; Feb. 25 at 11, div.—*John Matthew Healey*, Dewsbury, Yorkshire, draper, Feb. 17 at 11, District Court of Bankruptcy, Leeds, and. ac.—*John Mitchell* and *Edward Clarkson*, Horton, Bradford, Yorkshire, worsted spinners, Feb. 17 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Thos. Oldfield Hazard* and *Henry Bingham*, Sheffield, Yorkshire, merchants, Feb. 26 at half-past 11, District Court of Bankruptcy, Sheffield, and. ac.; at 12, div.—*William Benning*, Fleet-street, London, law bookseller, Feb. 25 at 1, Court of Bankruptcy, London, div.—*Wm. Henry Oram* and *Wm. Heard*, Noble-street, London, riders, March 3 at half-past 12, Court of Bankruptcy, London, div.—*James Schofield*, Aldermanbury, London, warehouseman, Feb. 28 at half-past 11, Court of Bankruptcy, London, div.—*Frederick Water Froggett* and *James Van Patten*, Mark-lane, London, corn merchants, Feb. 28 at 11, Court of Bankruptcy, London, div.—*John Grant Menon*, Birmingham, stationer, Feb. 26 at 10, District Court of Bankruptcy, Birmingham, and. ac.—*John Bell Armstrong*, Manchester, tailor, Feb. 25 at 12, District Court of Bankruptcy, Manchester, div.—*Geo. Hopkinson*, Liverpool, coach builder, Feb. 25 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Menry*, Liverpool, merchant, Feb. 25 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Warren*, Brass Battery Works, Old Brentford, Middlesex, brass manufacturer, Feb. 25 at 2, Court of Bankruptcy, London.—*W. Noble*, Charles-street, St. George's in the East, Middlesex, stay manufacturer, Feb. 26 at half-past 1, Court of Bankruptcy, London.—*Bethel Ware*, Tottenham-court-road, Middlesex, straw bonnet manufacturer, March 3 at half-past 11, Court of Bankruptcy, London.—*Henry Miles* and *Charles Miles*, Old-road, Limehouse, and Giles-row, Cambridge-road, Mile-end-road, Middlesex, drapers, Feb. 25 at 12, Court of Bankruptcy, London.—*Thomas Pratt Wills*, Portsea, Hampshire, brewer, Feb. 25 at 11, Court of Bankruptcy, London.—*Wm. Wellington*, Brindley-street, Harrow-road, Paddington, Middlesex, builder, Feb. 25 at 1, Court of Bankruptcy, London.—*Fletcher Pearson*, Liverpool, painter, Feb. 28 at 11, District Court of Bankruptcy, Liverpool.—*J. Grant Menon*, Birmingham, stationer, Feb. 26 at 10, District Court of Bankruptcy, Birmingham.—*John Askey*, Shelton, Staffordshire, timber merchant, Feb. 26 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Tanner*, Alcester, Warwickshire, draper, March 2 at 12, District Court of Bankruptcy, Birmingham.—*J. Mitchell*, Horton, Bradford, Yorkshire, worsted spinner, April 22 at 11, District Court of Bankruptcy, Leeds.—*John Labron*, Leeds, Yorkshire, cloth merchant, Feb. 25 at 11, District Court of Bankruptcy, Leeds.—*John Roebuck* and *William Roebuck*, Bank-end Mill, near Rainton, Yorkshire, woollen-cloth manufacturers, Feb. 25 at 11, District Court of Bankruptcy, Leeds.—*R. M. Burnie*, Wetherby, Yorkshire, grocer, Feb. 25 at 11, District Court of Bankruptcy, Leeds.

To be granted, unless an Appeal be duly entered.

*James Gasley*, King's Lynn, Norfolk, carpenter.—*Abiathar Brown Wall*, Bishop's-road, Bayswater, Middlesex, apothecary.—*Henry M. Grotty*, Liverpool, merchant.—*Benjamin Tidd*, Coventry, Warwickshire, cotton dresser.—*Robt. Tomlinson Cartledge*, Sheffield, Yorkshire, and Beighton, Derbyshire, builder.—*Geo. Siddall*, Chesterfield, Derbyshire, spindle manufacturer.—*Wm. Wood*, Hoyland Nether, Wath-upon-Dearne, Yorkshire, timber merchant.

## FIAT SUPERSEDED.

*James Basire*, Red Lion-square, and North Hyde, near Southall, Middlesex, brickmaker.

## SCOTCH SEQUESTRATION.

*Alexander Rigg*, Glasgow, tavern keeper.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*John Moor*, Bishop Auckland, Durham, painter, Feb. 18 at 10, County Court of Durham, at Bishop Auckland.—*John Campbell*, Sunderland-near-the-Sea, Durham, publican, Feb. 23 at 10, County Court of Durham, at Sunderland.—*Thomas Hodgson*, Burgh, Cumberland, labourer, Feb. 21 at 10, County Court of Cumberland, at Carlisle.—*John Bradley*, Hyde, Cheshire, clogger, Feb. 16 at 11, County Court of Cheshire, at Hyde.—*Thomas R. Davis*, St. Ebbe's, Oxford, artist, Feb. 21 at 11, County Court of Oxfordshire, at Oxford.—*John Cook*, St. Giles, Oxford, out of business, Feb. 21 at 11, County Court of Oxfordshire, at Oxford.—*T. Anderson*, North Shields, Northumberland, publican, Feb. 18 at half-past 10, County Court of Northumberland, at North Shields.—*Thomas H. Cannon*, Eton, Buckinghamshire, livery-stable keeper, Feb. 15 at half-past 10, County Court of Berkshire, at Windsor.—*John Murrell*, Hove, Sussex, butcher, Feb. 12 at 10, County Court of Sussex, at Brighton.—*Henry Sayers*, Brighton, Sussex, licensed victualler, Feb. 12 at 10, County Court of Sussex, at Brighton.—*John Farley*, Brighton, Sussex, licensed victualler, Feb. 12 at 10, County Court of Sussex, at Brighton.—*John Normington*, Harrogate, Yorkshire, cab proprietor, Feb. 11 at 10, County Court of Yorkshire, at Knaresborough.—*Benjamin Clark*, Boston Spa, Yorkshire, drill master, Feb. 12 at 10, County Court of Yorkshire, at Boston.—*John Young*, East Harley, Yorkshire, innkeeper, Feb. 19 at 10, County Court of Yorkshire, at Northallerton.—*Thomas Todd*, Stokesley, Yorkshire, clerk, Feb. 18 at 10, County Court of Yorkshire, at Stokesley.—*Wm. Collings*, Witham, Essex, shoemaker, Feb. 22 at 12, County Court of Essex, at Maldon.—*John Peck*, Studley, Warwickshire, retail brewer, Feb. 18 at 11, County Court of Warwickshire, at Alcester.—*Wm. E. Doman*, Bristol, out of business, March 9 at 11, County Court of Gloucestershire, at Bristol.—*Rees Jones*, Upper Knowle, Bedminster, Bristol, station superintendent on the Bristol and Exeter Railway, March 9 at 11, County Court of Gloucestershire, at Bristol.—*James York*, Bristol, dealer in furniture, March 23 at 11, County Court of Gloucestershire, at Bristol.—*Thomas Webster*, Huddersfield, Yorkshire, shoemaker, Feb. 21 at 10, County Court of Yorkshire, at Huddersfield.—*George Hana*, Yeovil, Somersetshire, leather parer, Feb. 24 at 10, County Court of Somersetshire, at Yeovil.—*Wm. Bremer*, Colchester, Essex, builder, Feb. 21 at 12, County Court of Essex, at Colchester.—*Dennis Hall*, Wharton, Cheshire, salt agent, Feb. 12 at 11, County Court of Cheshire, at Northwich.—*J. Skelland*, Astbury, Cheshire, shoemaker, Feb. 22 at half-past 10, County Court of Cheshire, at Congleton.—*Stephen Forster*, Gateshead, Durham, iron-founder, Feb. 16 at 10, County Court of Durham, at Gateshead.—*John Roberts*, Broxton, Cheshire, butcher, Feb. 7 at half-past 10, County Court of Cheshire, at Chester.—*John Ashworth*, Crossfield, Halifax, Yorkshire, cloth miller, Feb. 18 at 10, County Court of Yorkshire, at Halifax.—*Josiah Priestley*, Mixenden, Halifax, Yorkshire, carpenter, Feb. 18 at 10, County Court of Yorkshire, at Halifax.—*I. Atkinson*, Northowram, Halifax, Yorkshire, stonemason, Feb. 18 at 10, County Court of Yorkshire, at Halifax.—*John Hepworth*, Northowram, Halifax, Yorkshire, collier, Feb. 18 at 10, County Court of Yorkshire, at Halifax.—*Thomas Hindle* the younger, Liverpool, slater, Feb. 7 at 10, County Court of Lancashire, at Liverpool.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 18 at 11, before the CHIEF COMMISSIONER.

*Wm. S. Reed*, Dartmouth-street, Westminster, Middlesex, reporter to the daily journals.—*George E. Avenell*, Bazaar-place, Kingsland-green, and York-place, Kingsland-road, Middlesex, carpenter.

Feb. 18 at 10, before Mr. Commissioner LAW.

*Joseph Beaman*, Roscoe-st., Plaistow Marshes, Essex, ship builder.



Feb. 19 at 11, before Mr. Commissioner PHILLIPS.  
*John Pittman*, North-st., Poplar, Middlesex, general-shop keeper.—*Geo. Cheel*, Pleasant-row, Holloway-road, Islington, Middlesex, out of business.—*Robert Wagstaff*, York-place, High-st., Portland-town, Middlesex, pork butcher.—*Charles Buck*, Hadlow-cottages, Upper Clapton, Middlesex, bricklayer.—*Geo. Meaden*, Ratcliffe-row, St. Luke's, Middlesex, chemist.

Feb. 21 at 10, before Mr. Commissioner LAW.  
*Gregory Sopp*, Kingston, Surrey, bootkeeper.—*William Pickett*, Western-st., Old Pancras-road, Middlesex, stonemason.—*Richard Taylor*, James-street, Marlborough-road, Chelsea, Middlesex, bricklayer.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Feb. 18 at 11, before the CHIEF COMMISSIONER.  
*George Furby*, Hanover-place, Kennington, Surrey, ironmonger.

Feb. 19 at 11, before Mr. Commissioner PHILLIPS.  
*Joseph Clark*, Aylesbury-st., Clerkenwell-green, Middlesex, out of business.—*James Styles*, Wentworth-st., Whitechapel, Middlesex, general dealer.

Feb. 21 at 10, before Mr. Commissioner LAW.  
*James Dodson*, Hampton-st., Walworth, Surrey, clerk to a hop factor.—*Robert Haskeworth*, Northumberland-place, Westbourne-grove, Paddington, Middlesex, carpenter.—*R. Rawlinson*, Royal Mint-street, Tower-hill, Middlesex, greengrocer.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of *Pembrokeshire*, at Haverfordwest, Feb. 18 at 11.

*David Thomas*, Lambton, bootmaker.  
 At the County Court of *Hampshire*, at WINCHESTER, Feb. 18.

*John Hawkins*, Cosham, near Portsmouth, licensed victualler.—*Edmund Brasher*, Fordingbridge, bricklayer.

At the County Court of *Gloucestershire*, at GLOUCESTER, Feb. 21 at 10.

*Joseph Wilkins*, Tickmoor-end, Horley, butcher.—*James Brown*, Cheltenham, cordwainer.—*Wm. Bliss*, Stroud, clerk to an accountant.

At the County Court of *Yorkshire*, at YORK, Feb. 21.

*Thomas Hornsey*, Micklegate, out of business.—*Joseph Bakewell*, Wakefield, out of business.—*Jas. Porter*, Leeds, machine maker.—*Thos. Balderson*, Aspley, Huddersfield, out of business.—*Wm. Calway*, Knareborough, joiner.—*George Emley*, Bradford, out of business.—*James Jackson*, Leeds, cabinet maker.—*Arthur Mark Oakes*, Sheffield, cigar dealer.—*John Birkbeck*, Bradford, out of business.—*John Clough*, Bradford, labourer.—*Samuel Walker Gaulkrodger*, Knottingley, wood dealer.—*S. C. Smith*, Glass Houghton, near Pontefract, farmer.—*Michael Sheard*, Bridge-end, Aldmondbury, near Huddersfield, out of business.—*John Flint*, Bramley, near Leeds, grocer.—*John Pearson*, Shipley, near Bradford, grocer.—*Stephen Johnson*, Sheffield, publican.—*G. Maltes*, Robert-town, near Leeds, shoemaker.—*William Bickerton*, Howden, out of business.—*Wm. Cawson*, Rodley, near Leeds, dealer in woollen pieces.—*Samuel Raistrick*, Leeds, out of business.—*Wm. Snowball*, Leeds, tailor.—*Joshua Sharp*, Low Town, Pudsey, near Leeds, chemist.—*William Scalfs*, Moor House, Feliskirk, near Thirsk, farmer's servant.—*Wm. Shaw*, Meltham, near Huddersfield, out of business.

At the County Court of *Sussex*, at LEWES, Feb. 22.

*Walter Oakshott*, Arundel, baker.—*Thomas Chatfield*, Southwick-green, near Brighton, baker.

At the County Court of *Buckinghamshire*, at AYLESBURY, Feb. 23 at 12.

*William King*, Chesham, hay dealer.

## TUESDAY, FEBRUARY 8. BANKRUPTS.

SAMUEL EDWARDS, Broadway, Deptford, Kent, linen-draper, dealer and chapman, Feb. 22 at 2, and March 15 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Depree & Austen, 9, Lawrence-lane, Cheapside, London.—Petition filed Feb. 4.

THOMAS BUTLER MILLER and WILLIAM MILLER Henstridge-villas, St. John's Wood, Middlesex, builders Feb. 18 at half-past 12, and April 1 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Atkinson, Quility-court, Chancery-lane, Holborn.—Petition filed Feb. 5.

NUMA BERTON, Princess-street, Hanover-sq., Middlesex tailor, (trading under the firm of Berton & Co., and later trading at the same place, under the same firm, with Edward Lansdall), Feb. 17 at 11, and March 17 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lauran & Co., Old Jewry-chambers.—Petition filed Feb. 5.

GEORGE BENDEN, Bristol, glass dealer, Feb. 21 at March 21 at 11, District Court of Bankruptcy, Bristol Off. Ass. Hutton; Sols. James, Birmingham; Brittas Bristol.—Petition filed Feb. 4.

EDWARD HARRIS RUDDOCK and HENRY EBISON Bradford, Yorkshire, marble masons and stove grate manufacturers, Feb. 25 and March 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Terry Watson, Bradford; Cariss & Cadworth, Leeds.—Petition filed Feb. 5.

EDWARD HARRIS RUDDOCK, Bradford, Yorkshire marble mason and stove grate manufacturer and dealer (partner in trade with Henry Ebison, of Bradford aforesaid carrying on business under the firm of Ruddock & Ebison) Feb. 26 and March 19 at 12, District Court of Bankruptcy Sheffield: Off. Ass. Freeman; Sol. Badger, Rotherham.—Petition filed Jan. 24.

ANDREW FRAZER, Newcastle-upon-Tyne, corn merchant corn factor, dealer and chapman, Feb. 18 at 11, and March 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Philipson, Newcastle-upon-Tyne; Pringle & Co., 3, King's-road, Bedford-row, London.—Petition filed Feb. 3.

## MEETINGS.

*Wm. Smith*, Bolton-le-Moors, Lancashire, grocer, Feb. 11 at 11, District Court of Bankruptcy, Manchester, pr. d.—*Charles Ollivier*, New Bond-st., Middlesex, music seller, Feb. 18 at 1, Court of Bankruptcy, London, aud. ac.—*William Benning*, Fleet-st., London, law bookseller, Feb. 18 at half past 1, Court of Bankruptcy, London, aud. ac.—*G. Gilbert*, Nottingham, builder, Feb. 18 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*John Bell Armstrong*, Manchester, tailor, Feb. 18 at 12, District Court of Bankruptcy Manchester, aud. ac.—*Thomas W. Richards*, Goswell-road Middlesex, linen-draper, March 1 at half-past 1, Court of Bankruptcy, London, div.—*Cecil S. T. Walker*, Oxford-st. Middlesex, artificial florist, March 1 at half-past 12, Court of Bankruptcy, London, div.—*Richard Lee*, *Richard J. Brown*, *Fuller Farr*, and *George Lee*, Lombard-st., London, bankers March 1 at 1, Court of Bankruptcy, London, fin. div.—*Wm. J. Dunkley*, West Haddon, Northamptonshire, cattle dealer March 1 at 1, Court of Bankruptcy, London, div.—*Wm. J. Hill*, Birmingham, silversmith, Feb. 19 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Isaac Orrell*, Ratcliffe, Lancashire, cotton manufacturer, March 4 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Robert Mitchell*, Walthamstow, Essex, baker, March 3, 11, Court of Bankruptcy, London.—*Thomas Corby*, Low Eaton-st., Pimlico, Middlesex, builder, March 1 at 1, Court of Bankruptcy, London.—*Charles Rhodes*, Terrace, Kennington, Middlesex, milliner, March 2 at half-past 12, Court of Bankruptcy, London.—*George Fielder*, Dobcross-in-Saddoworth, Yorkshire, woolstapler, March 4 at 12, District Court of Bankruptcy, Manchester.—*John Atkinson*, Kingston-upon-Hull, seed crusher, March 2 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*John Henry Davy*, Parker-street, Drury-lane, Middlesex coach wheelwright.—*William Green*, Harrow-road, Middlesex, builder.—*Henry Banks*, Bethnal-green-road, Middlesex, painter.—*John Hey*, Colne, Lancashire, manufacturer.—*Wm. Longson*, Heaton Norris, Lancashire, joiner.—*Joseph Williams* and *Charles Penny Woodfin*, Kingston-upon-Hull, and *Geo. Grimsby*, Lincolnshire, brassfounders.

## PARTNERSHIP DISSOLVED.

*Henry Marriott Richardson* and *George Marsland*, Bolton-le-Moors, Lancashire, attorneys.

## SEVERAL SEQUESTRATIONS.

James Robertson, Glasgow, cotton spinner.—John Rutherford, Jedburgh, merchant, deceased.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

John Hemmingsley, Wolverhampton, out of business, Feb. 19 at 9, County Court of Staffordshire, at Wolverhampton.—Obediah Balle, Bilston, Staffordshire, porter dealer, Feb. 19 at 9, County Court of Staffordshire, at Wolverhampton.—Wm. Thornycroft, Wolverhampton, Staffordshire, labourer, Feb. 19 at 9, County Court of Staffordshire, at Wolverhampton.—John Jones, Dorrington, Conover, Shropshire, tailor, Feb. 22 at 10, County Court of Shropshire, at Shrewsbury.—John Twichett Redman, Cambridge, out of business, Feb. 21 at 10, County Court of Cambridgeshire, at Cambridge.—R. Bennett Jarman, Beccles, Suffolk, printer, Feb. 15 at 12, County Court of Suffolk, at Beccles.—Geo. Jarman, Beccles, Suffolk, printer, Feb. 15 at 12, County Court of Suffolk, at Beccles.—W. John Bulwer, Beccles, Suffolk, grocer, Feb. 15 at 12, County Court of Suffolk, at Beccles.—Robert Fisher, Ringsfield, Suffolk, shoemaker, Feb. 15 at 12, County Court of Suffolk, at Beccles.—Robt. Williams, Lakenheath, Suffolk, ploughman, Feb. 26 at 11, County Court of Suffolk, at Mildenhall.—Henry Sayer, Southwold, Suffolk, master mariner, Feb. 17 at 12, County Court of Suffolk, at Halesworth.—Charles Carter, Southwold, Suffolk, bricklayer, Feb. 17 at 12, County Court of Suffolk, at Halesworth.—George Smith, Halesworth, Suffolk, plumber, Feb. 17 at 12, County Court of Suffolk, at Halesworth.—Charles Crisp, Hulver, Henstead, Suffolk, pork butcher, Feb. 17 at 12, County Court of Suffolk, at Halesworth.—Geo. Chandler, Pakenfield, Lowestoft, Suffolk, general dealer, Feb. 16 at 10, County Court of Suffolk, at Lowestoft.—Chas. Bryanton, Mendham, Norfolk, bricklayer, Feb. 14 at 1, County Court of Norfolk, at Harleston.—George Coleman, Great Ashfield, Suffolk, bricklayer, Feb. 21 at 10, County Court of Suffolk, at Bury St. Edmund's.—Jas. Harvey Cooper, Gamlingay, Cambridgeshire, carpenter, Feb. 21 at 10, County Court of Cambridgeshire, at Cambridge.—Daniel Morgan, Swansea, Glamorganshire, cartman, Feb. 16 at 10, County Court of Glamorganshire, at Swansea.—John Patten, Swansea, Glamorganshire, baker, Feb. 16 at 10, County Court of Glamorganshire, at Swansea.—R. Stafford, Newcastle-upon-Tyne, licensed victualler, Feb. 24 at 10, County Court of Northumberland, at Newcastle.—Paul Malison Smith, Newcastle-upon-Tyne, out of business, Feb. 24 at 10, County Court of Northumberland, at Newcastle.—Thos. Emery, Newcastle-under-Lyme, Staffordshire, bricklayer, Feb. 21 at 12, County Court of Staffordshire, at Newcastle-under-Lyme.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 23 at 11, before the CHIEF COMMISSIONER.

John Munro, St. Helen's-place, Old-road, Rotherhithe, Surrey, licensed beer retailer.—James Clough, Ledger-street, Chelsea, Middlesex, pork butcher.—Thos. Williams, Union-street, Southwark, Surrey, hatter.

Feb. 21 at 10, before Mr. Commissioner LAW.

Stephen J. Stevens, Little Warley, near Brentwood, Essex, captain, adjutant, and quartermaster in the Honourable East India Company's Service.

Feb. 23 at 10, before Mr. Commissioner LAW.

John Jacobins, Bernmondey New-road, Surrey, baker.—F. T. Mabre, Silver-street, Wood-street, Cheapside, London, pasteboard-box manufacturer.

Saturday, Feb. 5.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.

Wm. Trundle, Sporre, Norfolk, miller, No. 75,773 C.; T. P. Uphor, assignee.—John Norton, Clarges-street, Piccadilly, Middlesex, licensed victualler, No. 63,398 T.; W. P. Staton, assignee.—John Lake Percy, Roehampton-place, Vauxhall-bridge-road, Middlesex, builder, No. 60,859 T.; Richard C.

Fox, assignee.—Wm. Pasquet, Houndsditch, London, out of business, No. 63,858 T.; Wm. Hogg, assignee.—T. Jones, Chester, assistant to a druggist, No. 75,854 C.; Wm. Hall, assignee.

Saturday, Feb. 5.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

Jacob Frankenstein, Brighton-place, New Kent-road, Surrey, commission agent: in the Queen's Prison.—Fras. Peter Chale, Gray's-inn-lane, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—H. Harrison, Nicholl-square, Hackney-road, Middlesex, clerk to the Eastern Counties Railway Company: in the Debtors Prison for London and Middlesex.—Edward Telf, Great Carlisle-st., Edgeware-road, Middlesex, statutory mason: in the Debtors Prison for London and Middlesex.—James Wheeler, Clare-market, Lincoln's-inn-fields, Middlesex, haberdasher: in the Debtors Prison for London and Middlesex.—Richard Goodey, River-terrace, York-road, King's-cross, Middlesex, baker: in the Debtors Prison for London and Middlesex.—Wm. Moody, Union-place, Finsbury, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Juliana Benton, New-road, Wandsworth, Surrey, licensed retailer of beer: in the Queen's Prison.—Thomas Cross, Aldermanbury, London, shirt collar manufacturer: in the Debtors Prison for London and Middlesex.—Abraham Bernal, Prospect-place, Cambridge-heath, Hackney-road, Middlesex, dealer in china: in the Debtors Prison for London and Middlesex.—James Hubbard, Foxe's-lane, Shadwell, Middlesex, brewer: in the Debtors Prison for London and Middlesex.—Wm. D. Stevens, Hart-street, Covent-garden, Middlesex, publican: in the Debtors Prison for London and Middlesex.—John W. Sheppard, East-street, Walworth, Surrey, butcher: in the Gaol of Surrey.—Wm. M. Clark, Hall-street, City-road, Middlesex, general merchant: in the Debtors Prison for London and Middlesex.—Thomas O'Connor, New Church-street, Lionson-grove, Middlesex, bootmaker: in the Debtors Prison for London and Middlesex.—Charles Smith, Sheffield-street, Clare-market, Middlesex, foreman to a meat salesman: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition.)

Jasper W. Rogers, Essex-street, Strand, Middlesex, civil engineer: in the Queen's Prison.

(On their own Petitions).

Wm. Hallam, Belton, Leicestershire, agricultural labourer: in the Gaol of Leicester.—Wm. Freeman, Ely, Cambridgeshire, licensed victualler: in the Gaol of Cambridge.—John J. M' Rae, Newark-upon-Trent, Nottinghamshire, tailor: in the Gaol of Nottingham.—Jos. Burton, Manchester, general merchant: in the Gaol of Lancaster.—Thomas Evans, Hirwain, Penderin, Breconshire, grocer: in the Gaol of Cardiff.—Wm. Bliss, Stroud, Gloucestershire, out of business: in the Gaol of Gloucester.—D. Freeland, Strood, Kent, wharfinger: in the Gaol of Maidstone.—James Killingsworth the younger, Maidstone, Kent, dealer in measures: in the Gaol of Maidstone.—Anthony Pentiman, Gannow, Habergham Eaves, near Burnley, Lancashire, beer-seller: in the Gaol of Lancaster.—William Wilkinson, Habergham Eaves, near Burnley, Lancashire, builder: in the Gaol of Lancaster.—Williams Brown, Newcastle-upon-Tyne, baker and grocer: in the Gaol of Newcastle-upon-Tyne.—Thos. Allen Stubbing, Radwinter, Essex, farmer: in the Gaol of Cambridge.—John Eddon, Colyton Raleigh, Devonshire, labourer: in the Gaol of St. Thomas the Apostle.—Harriet Freeland, Strood, Kent, wharfinger: in the Gaol of Maidstone.—John Pey, Exeter, carver: in the Gaol of Exeter.—Ann Sophia Freeland, Strood, Kent, wharfinger: in the Gaol of Maidstone.—Rouben Whitehead, Botesdale, Suffolk, farmer: in the Gaol of Ipswich.—George Laker, Maidstone, Kent, painter: in the Gaol of Maidstone.—Wm. Wilson, Wolverhampton, Staffordshire, grocer: in the Gaol of Stafford.—John Spencer, Thornton Heights, Thornton, near Bradford, Yorkshire, top manufacturer: in the Gaol of York.—Benj. Forman the younger, Wastgate, Mansfield, Nottinghamshire, tinsman: in the Gaol of Nottingham.—H. Lyne, Glandford Brigg, Lincolnshire, sheep net manufacturer: in the Gaol of Lincoln.—Robert Welsh, Wellington, Shropshire, draper: in the Gaol of Shrewsbury.—Mary Etosh Bennett, Greenheys, Manchester, plush manufacturer: in the Gaol of Lancaster.—Ellen Elizabeth Bennett, Greenheys, Manchester, plush manufacturer: in the Gaol of Lancaster.

—Robert Carr, Liverpool, licensed victualler: in the Gaol of Lancaster.—Samuel Moore, Manchester, bookkeeper: in the Gaol of Lancaster.—Joseph Smith, Wolverhampton, Staffordshire, in no business: in the Gaol of Stafford.—J. Poizer, Manchester, cabinet maker: in the Gaol of Lancaster.—A. Russell, Liverpool, letter-press printer: in the Gaol of Lancaster.—J. Sheldon, Hulme, Manchester, brewer: in the Gaol of Lancaster.—J. Wilson, Birkenhead, near Liverpool, provision-shop keeper: in the Gaol of Lancaster.—R. Wright, Manchester, tailor: in the Gaol of Lancaster.—John Horatio Roberts Bayley, Wolverhampton, Staffordshire, schoolmaster: in the Gaol of Stafford.

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# The Jurist

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FEB. 19, 1853.

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LONDON, FEBRUARY 19, 1853.

AN excellent illustration of Mr. Willmore's "Confusion worse Confounded, or the Statutes of 1852," (reviewed in our present number), is afforded by the important statute relating to the recovery of small debts in the city of London, (15 Vict. c. lxxvii). We presume that the object of the framers of this act was to assimilate the London Small Debts Act to the general County Court Acts, and accordingly the 1st section repeals the former acts on the subject relating to the city, "for the purpose of extending the provisions thereof to debts, damages, and demands not exceeding the sum of 50*l*." But the general Extension Act (13 & 14 Vict. c. 61) deprives plaintiffs of costs only in cases where they sue in the superior courts, and recover a sum not exceeding 20*l*. in actions of contract, or 5*l*. in actions of tort. (Sect. 11). To the astonishment of the Profession, however, who had taken it for granted that no radical change was introduced for the city, it turns out, that if plaintiffs could have sued in the Sheriff's Court, as the City Court is called, and yet sue on a contract in the superior court, they must recover more than *fifty pounds* before they will be entitled to costs, unless the judge certify, or the case be within the concurrent jurisdiction clause. (Sect.

119\*). But this is not all; the section in question is copied from the 129th section of the 9 & 10 Vict. c. 95, only increasing the amount from 20*l*. to 50*l*., without reference to the alteration introduced by sect. 11 of the 13 & 14 Vict. c. 61. The effect of this is, that the section in the City Act applies only to a *verdict*, the words being, "if a verdict shall be found;" but the 11th section of the General Act applies to judgment on demurrer or otherwise, (except judgment by default), the words used being simply, "if the plaintiff shall recover," &c. Again: under this section of the City Act, a suggestion must be entered to deprive the plaintiff of costs, as was decided upon the corresponding section of the 9 & 10 Vict. c. 95; but no suggestion is necessary under the General Act. This section of the City Act also applies to all cases where a plaintiff might have been entered in the Sheriff's Court, unless the parties dwell more than twenty miles from each other, or an officer of the Sheriff's Court is a party. But the jurisdiction clause of the City Act (sect. 2) does not except actions for malicious prosecutions, which are excepted in the General Act; as such actions, therefore, may be brought in the Sheriff's Court, if they are brought in the Superior Court, and the plaintiff has a

\* A case is now pending for argument in the Court of Common Pleas upon this section.

verdict for less than 5*l.*, he may be deprived of costs under this 119th section.

The next section, (sect. 120), however, is framed upon the 11th section of the General Act, (13 & 14 Vict. c. 61); and by this, if in any action of contract in a superior court (not being for breach of promise of marriage) the plaintiff shall *recover* a sum less than 20*l.*, or if in any action in such court, of trespass, trover, or case, (*not being an action for malicious prosecution, &c.*), the plaintiff recover less than 5*l.*, he shall not have any costs, except as thereafter provided, and except in case of judgment by default; and *it shall not be necessary to enter any suggestion to deprive him of costs.* This section does not contradict the preceding one, nor can it be said to be altogether superfluous, as it contains some points of difference: thus it applies to *judgment*, not merely to verdict; it excepts actions for malicious prosecution, and renders a suggestion unnecessary. We apprehend that the 119th section crept in wholly by mistake; but being there, the only way in which we can deal with that and the following one is probably this:—If the plaintiff “recover” less than 20*l.* in an action of contract, where he should have sued in the Sheriff’s Court, he may be deprived of costs without a suggestion, (sect. 120); if he recover, *by verdict*, 20*l.* or upwards, to the extent of 50*l.*, in an action of contract, he may be deprived of costs by means of a suggestion, (sect. 119); if he recover, by verdict, less than 5*l.* in an action for a malicious prosecution, he may be deprived of costs by means of a suggestion, (sect. 119); and the fact of this action being excepted in the next section will only make this difference, that if he recover in such an action less than 5*l.* by judgment, otherwise than upon a verdict, he will be entitled to his costs. We should observe that Talfourd, J., lately held, at Guildhall, that although the 119th section might have been inserted by mistake, yet he could not act upon that view so as to grant a certificate as a matter of course in all cases where the sum recovered by verdict, in an action of contract, exceeded 20*l.* In all such cases, however, application should be made for the certificate, and the judge will probably be inclined, in the majority of instances, to yield to it. Another point of difference between sect. 120 of the City Act and sect. 11 of the County Court Extension Act is this—under the City Act the sum recovered which is to take away costs is “*less than 20*l.*,” or “*less than 5*l.*,”* under the County Court Extension Act it is “*not exceeding 20*l.*,” or “*not exceeding 5*l.*,”*”**

Comparing the jurisdiction clause (sect. 2) in the City Act with the corresponding clause in the General Act, (sect. 58 of the 9 & 10 Vict. c. 95), we find that, as if by way of compensation for omitting actions for “malicious prosecution” from the exceptions, actions in which the title to any *title* shall be in question are added to the exceptions, although they do not occur in the General Act.

We place the 39th section of the City Act, relating to the issuing of the summons, in a parallel column with sect. 60 of the General Act:—

9 & 10 Vict. c. 95, s. 60.  
“Such summons may issue in any district in which the defendant, or one of the defendants, shall dwell or carry on his business at the time of the action brought; or, *by leave of the Court* for the district in which the defendant, or one of the defendants, shall have dwelt or carried on his business at some time within six calendar months

15 Vict. c. lxxvii, s. 39.  
“Such summons may issue, provided the defendant, or one of the defendants, shall dwell or carry on business, or *have employment*, within the city of London, or the liberties thereof, at the time of the action brought; or provided the defendant, or one of the defendants, shall have dwelt or carried on business, or *shall have had*

next before the time of the action brought, or in which the cause of action arose, such summons may issue in either of such last-mentioned courts.”

*employment* therein, at some time within six months next before the time of the action brought, or if the cause of action either wholly or *in part* arise therein.”

Thus, a summons may issue from the Sheriff’s Court without any leave, where the defendant has dwelt or carried on business, &c. within six months before the action. This will often operate unjustly to the plaintiff, for it may happen that the defendant may have dwelt, &c. in London six months before without the knowledge of the plaintiff, and yet, as he could therefore have sued in the Sheriff’s Court, he may be deprived of costs, under sect. 119.

We now come to the concurrent clauses, which are as follows:—

9 & 10 Vict. c. 95, s. 128.  
“All actions and proceedings which, before the passing of this act, might have been brought in a superior court of record, where the plaintiff dwells more than twenty miles from the defendant, or *where the cause of action did not arise wholly, or in some material point, within the jurisdiction of the Court within which the defendant dwells or carries on his business at the time of the action brought*, or where any officer of the county court shall be a party,” (except in respect of a claim to goods taken under the process of the court), may still be brought in the superior court.

15 Vict. c. lxxvii, s. 118.  
“All actions and proceedings which, before the commencement of this act, might have been brought in a superior court of record, where the plaintiff dwells more than twenty miles from the defendant, or where any officer of the court shall be a party,” (except in respect of a claim to goods taken under the process of the court), may still be brought in the superior court.

It will, therefore, be seen that it is immaterial, as regards costs, whether the cause of action arose within the jurisdiction of the Sheriff’s Court or not; and, perhaps, this is reasonable enough in most cases—as, if the defendant dwells within the city, and the plaintiff lives within twenty miles of it, there will not often be any hardship in requiring the plaintiff to sue the defendant in London.

We have little doubt but that this act must shortly be amended, so as to render it capable of having the meaning which was *intended* to be given to it by the Legislature. But is it not lamentable to find statutes drawn in this fashion, when so little care was required to frame them properly? It was only necessary to copy the latest statute then in existence upon the subject; but, not satisfied with so easy a task, the framer must introduce into one statute both the law as it was before it was altered, and the law as it is since it has been altered, and thus attempt to give effect to both. Why, we may ask, all these distinctions in statutes which are clearly in *pari materia*, and statutes which, above all others, should be simple and intelligible? Whatever the cause, the only effect is to puzzle and embarrass, not only the suitor, for whom these acts are specially intended, but also the lawyer, who finds it impossible to keep pace with the perverse ingenuity of law-makers.

Surely it is time to have the Board recommended by Mr. Willmore, if we would rescue our legislation from the obloquy which so justly attaches to it, and if we would confer upon the public the real benefit of our laws.

It was well proved that one of the faults of the old system of equity practice was, that, in references to the Masters in Chancery, questions often arose before them on legal points of considerable difficulty, and which could only be properly decided before a judge in open court. However, the evil was not a desperate one—the remedy was simply a question of expense. In the first place, such questions were argued by counsel before the Master himself very generally, so that, if he decided wrongly, he at least had the same kind of assistance to put him right as a judge in court has. But there was also the security of an appeal by way of exception from the Master's report embodying his decision; or the question might be re-opened on further directions; and thus the point could be again discussed in open court; and this right of appeal was pretty freely taken advantage of. By these means the chance of injustice by a mistake or ignorance of the law was provided against as far as it was possible. The fatal objections of delay, and expense aggravated by delay, rendered this system a flagrant inconvenience, and it is accordingly abolished. Every one now cries out for cheap law, and the problem to solve is, to supply the article at a lower price, and not worse in quality than before. Ask A. B., who is suing all his near relations for some wrong, some undeniable injury, done to him, in withholding or abstracting property which belongs to him of right—Will you have a decision at small expense, speedy and final, but more possibly wrong; or do you rather choose long years of litigation, very expensive, with a conclusion more probably right? If A. B. have sufficient experience to understand the full bearing of the question submitted to him, he will choose the former alternative; because the excessively artificial system which had grown up in so many centuries of litigation enabled the perverse ingenuity of designing men to extend the lingering torture and expensiveness of the old course of equity pleading and practice almost without limit, and, even with the best assistance and advice, a Chancery suit could not be a speedy operation. Nevertheless, admitting the advantages of the change, we watch with fear for indications of the possibility, which is only too natural, that under the new practice a suitor may, in the rapid course of proceedings, occasionally fail to have substantial justice. Ready to take alarm on this subject, we listen with surprise and some apprehension when we hear that the principal test of the capability of a judge is now said to be the rapidity with which he gets through his work, finishes his paper, and clears off his arrears. No doubt by this means the lawyer's remuneration comes in all the more quickly; but let the gentlemen of our Profession place themselves in the position of the suitor, whose anxiety and impatience during the comparatively slow preliminary stages have reached their height when his cause comes on to be heard. Let them imagine his state of mind if he sees the judge chiefly intent on "getting through" his case—interrupting counsel—refusing to hear a particular statement of the evidence—observing upon the "waste of public time"—exhibiting impatience to have done with the matter. Surely there must be some drawback to the pleasure of pocketing fees so earned. For our part, we confess that the anxiety which some of the equity judges have shewn, at the expense of occupying some additional time, to come to a right conclusion, has been to us infinitely more satisfactory; for now that the proceedings of a Chancery suit are conducted by comparison so quickly out of court, it is of less moment that they should occupy a longer time in discussion at the hearing; and it is more than ever necessary that every judgment should be carefully considered, now that the pleadings are a closer condensation of the facts upon which it must proceed.

The public opinion of the Profession is an autocrat over the judges themselves. If its mandate be "sacrifice safety to speed," it will be more or less obeyed. But under the present system of practice there are several reasons why this desire for extreme haste should be held in check. To take only one, though that seems to us to be among the most cogent. Judges in Chancery, by sect. 11 of the 15 & 16 Vict. c. 80, are empowered to sit at chambers for the dispatch of such part of the business of the Court as can, without detriment to the public advantage arising from the discussion of questions in open court, be heard in chambers. Sect. 26 specifies some of these matters, adding, "and such other matters as each such judge may from time to time see fit, or as may from time to time be directed by any General Order of the Lord Chancellor." Sect. 27 enables a judge to adjourn from open court to chambers, and vice versa, the consideration of any matter. Now, if, or rather when, a question of law arises for the consideration of a judge in chambers, it rests with him to choose whether he will answer it there, or adjourn it, to be discussed in court.

Supposing the chief duty of a judge be to dispatch his business with the utmost possible rapidity, he of course will seldom delay a matter to seek the assistance of counsel; and out of this may arise a dangerous course of practice, which it is anything but satisfactory for the public to contemplate. As we read the provisions of the statute, the only work which, without detriment to the public advantage, can be transacted by a judge in chambers is that which involves no question of law fairly arguable; and we must consider it a defect in the new system that the judge is the arbiter what is such a question of law. All his convenience, confidence in his own knowledge, dispatch in the conduct of business, prompt him to decide the point of difficulty without the trouble, hesitation, and delay involved and implied by an adjournment from chambers into open court; and if the standard of his capacity is to be his facility in getting through business, we can scarcely believe that in any case, except of extraordinary difficulty, a judge in Chancery will choose to have a question argued in court which may be quietly decided by him in chambers.

It need hardly be said, that the observations here submitted are not affected by the right of moving in court to discharge or vary the certificate within eight days after it is filed, given by the 15 & 16 Vict. c. 80, s. 34, and the 51st Order of October, 1852. The appeal is only to the same judge in his wig and robes; and, as counsel do not attend in chambers, the right will be infrequently used, and is very dissimilar to the exceptions to a Master's report.

We do not pretend here to suggest a remedy for the defect pointed out. Indeed, with the judges now on the bench, who have been trained in the strictness of the old practice, it may be thought an inconsiderable danger comparatively. But any system of practice is vitally faulty which depends too much upon the administrative talent of those who conduct its operation.

**COLONIAL LEGAL APPOINTMENTS.**—The Queen has made the following appointments for the colony of Victoria, viz. Edward Eyre Williams, Esq., to be Second Puisne Judge of the Supreme Court; William Foster Stawell, Esq., to be her Majesty's Attorney-General; James Croke, Esq., to be her Majesty's Solicitor-General; Henry Field Gurner, Esq., to be Crown Solicitor; Robert Williams Pohlman, Esq., to be Commissioner of the Court of Requests and Chairman of General and Quarter Sessions; Frederick Wilkinson, Esq., to be Master in Equity of the Supreme Court and Chief Commissioner of Insolvent Estates.



### Review.

*Confusion worse Confounded, or the Statutes at Large in 1852. By GRAHAM WILLMORE, Esq., Q. C., Author of "Is Trial by Jury worth keeping?"*

[Longman, 1852.]

UNDER the above title, Mr. Willmore has made a vigorous onslaught against the grim giant yclept "Statutes at Large," and has helped to give him a "fall," which we trust will reduce him considerably, and make him use better language in future.

We are here informed that the monster weighs 221½ lbs. avoirdupois weight. He is, in fact, nothing better than a chaotic and unwieldy mass.

"Radis indigestaque moles

Nec quicquam nisi pondus iners; congestaque eodem  
Non bene junctarum discordia semina rerum."

The public statutes alone are 20,000 in number, and will be found in forty quarto volumes of about 40,000 pages. The contradictions, the absurdities, the obscurities, and, to use an expression of King James I., "the divers cross and cuffling statutes" herein, are really a disgrace to our country. Our author truly says, "Many single statutes relate to an infinite number of heterogeneous subjects; many heterogeneous statutes relate to one single subject." As an instance of the former, he refers to the 22 Geo. 2, c. 46, which, according to its title, relates (inter alia) to the distemper among horned cattle, as well as to the regulation of attorneys and the affirmation of Quakers. "Sometimes the body of a statute contains matter of the utmost importance, of which no intimation whatever is given by the title." E.g., the 20 Geo. 2, c. 42, intitled "An Act to enforce an Act for granting Rates and Duties upon Houses, Windows, or Lights," enacts, by sect. 3, "that in all cases where the kingdom of England hath been or shall be mentioned in any act of Parliament, the same shall be taken to include the kingdom of Wales and town of Berwick-upon-Tweed." Another instance which occurs to us is the 5 & 6 Vict. c. 98, intitled "An Act to amend the Laws concerning Prisoners," which enacts, by sect. 31, that the action for an escape shall always be case, and not debt. A notable specimen of law-making is the City of London Small Debts Act, an account whereof will be found in our leading article. We must, however, refer our readers to the pamphlet for a full account of the evils of our present system.

When reviewing Welsby & Beavan's excellent work on Statutes, we pointed out the number of acts which are scattered about on the same subject, and then stated that there were no less than twenty-six statutes on the law of evidence, forty-two on landlord and tenant, thirty-one on executors, and thirteen on bills of exchange. No sane man doubts for a moment that these numerous acts, amounting to 112, could not be easily digested and consolidated into four statutes upon the four subjects to which they relate; but we are so dilatory in adopting simple and obvious measures for the public convenience, that we doubt whether this work will be accomplished during the present generation. We are, however, taking slow steps in the right direction: the Bankruptcy Law Consolidation Act was one step; Lord St. Leonard's proposed consolidation of the criminal law is another very important one; Lord Cranworth advocates a codification of the statutes; and in time we may hope to see the goal reached, especially if Mr. Willmore's suggestions be carried out. While sensible and practical in themselves, they are enlivened by illustrations, which render the work entertaining and readable, without in any degree lessening the weight of its more serious arguments.

"I propose," he says, "that the empire of Great Britain should set apart the sum of 10,000*l.* a year for

'the purpose of improving her laws. Cannot she afford it for a purpose of such stupendous importance? It is about the amount of one man's sinecure, lately much discussed; far less than is sometimes realised to the discoverer of some happy novelty in chemistry or mechanics. We pay one gentleman alone as much for looking after the laws of the Hindoos, and we do well; but surely the laws of the whole British people deserve at least as much care and expense. We have spent much treasure, and alas! the lives of many noble and brave seamen, in discovering a passage which no one believes to exist, and through which no one could pass, even if it did. How much have we paid, and are paying now, for the splendid and uncomfortable palace in which we pen up our sickening legislators? Are we justified in neglecting the weightier matters of the law itself, while we care so much for the mere place where it is manufactured?—in spending nothing upon the kernel, while we are so lavish upon the shell?—in preparing and making clean the outside of the platter, while we allow such shocking messes to be made within? Cannot we afford it? Yet we give 18,000*l.* for Correggios; we put up a railing before the British Museum for 14,000*l.*; we build up, pull down, and build up again our Marble Arch. Who can tell how much that wandering lumpish unsightliness has cost us? Let us admire and cultivate art as it deserves: attribute all that is due to the humanising, as well as materially useful influences of science; yet, in doing these things, this other business left undone, are we much wiser than that naked King of Madagascar, who decorated himself with a cocked hat and knee buckles before he had a shirt to his back?"

Mr. Willmore's plan is briefly this:—A Board of three commissioners is to be formed; their duties will relate to future and to past legislation. As to the first, a copy of every bill relating to public matters, which shall have passed the first reading, shall be laid before the Board, and they are to report upon it to the House within one month, stating their opinion on its purport and probable effect, so far as that opinion can be formed from the fair construction of its words. In this report especial regard is to be had to existing legislation upon the subject, and the Board shall suggest such alterations, &c. as seem necessary for the attainment of the purpose of the bill. After the bill shall have received the approval of both Houses, previous to its becoming law, it shall be again subjected to the inspection of the Board, lest any inaccuracies of language should have crept in. In cases of emergency, the services of the Board are to be dispensed with altogether.

"With regard to past legislation, the Board shall employ the whole of their time, not occupied with future legislation, in preparing bills for the repeal and consolidation of all the existing statute law, neither adding nor altering anything, (such being the province of the Legislature itself). Except in cases where some subject may require immediate attention, the Board shall employ themselves upon the statutes of the earliest reign of which there are any extant, and, taking each statute in succession, shall pursue, through all the subsequent reigns, up to the present time, the thread of legislation upon the subject of that statute, embodying in one bill all the existing statute law upon such subject. The bill, at full length, and also the titles of all the acts proposed to be repealed, shall be published in the Gazette at least six months previous to its introduction into the Legislature. By this course abundant time will be afforded for the deliberation and criticism both of individuals and societies throughout the nation; and the Legislature itself may afterwards adopt any improvements, either in substance or style, which may be thereby elicited: the bill to be brought before the Legislature by the

'Ministry for the time being. I further propose, that when, during the progress of the work, all the known statutes of any preceding reign shall have become wholly consolidated, and re-enacted or repealed, there shall be a declaration of Parliament, which shall reserve the assent of the Crown, that no statute passed in such reign shall have any further force or effect whatever.'

This proposal for the establishment of a permanent Board appears to us far preferable to the plan of Lord Cranworth, which consists in the employment of an overworked Barrister or two, under an overworked Lord Chancellor, who goes out with the Ministry.

### London Gazette.

FRIDAY, FEBRUARY 11.

#### BANKRUPTS.

JOHN GURR, Chatham, Kent, butcher, meat salesman, dealer and chapman, Feb. 22 at 1, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Scarmann, 20, Coleman-street.—Petition filed Feb. 8.

JOHN BELBIN, Beaumont-st., St. Marylebone, Middlesex, coach builder, dealer and chapman, Feb. 18 at half-past 1, and March 22 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. G. & C. Smith, 5, Southampton-buildings, Holborn, London.—Petition filed Jan. 28.

GEORGE KEBBLE, Hurst, Berkshire, farmer, grazier, and cattle dealer, commission agent, dealer and chapman, Feb. 23 at 12, and March 23 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Soames, 55, Old Broad-st., London.—Petition filed Feb. 10.

WILLIAM MINCHENER, Cheapside, London, warehouseman, factor, and trader, Feb. 25 at 1, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Thompson, 18, Sise-lane, Bucklersbury, London.—Petition filed Feb. 8.

JOHN WILLIAM MUNCH, Beal's Wharf, Tooley-street, Surrey, salesman and general merchant, dealer and chapman, Feb. 22 at half-past 2, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Brewer, 3, Philpot-lane, Fenchurch-street, London.—Petition filed Feb. 8.

BENJAMIN WITT, Wimborne, Dorset, brewer, wine and spirit merchant, dealer and chapman, Feb. 18 at 1, and March 22 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Baskett, 18, King's-road, Bedford-row, London.—Petition filed Feb. 8.

HUGH JONES, Liverpool, linen-draper, dealer and chapman, Feb. 25 and March 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Dodge, Liverpool.—Petition filed Feb. 9.

CHARLES HARE, Huddersfield, Yorkshire, manufacturing chemist, (lately trading under the style or firm of Charles Hare & Co.), Feb. 28 and April 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Upton & Yewdall, Leeds.—Petition filed Feb. 2.

JOHN URWIN, Newcastle-upon-Tyne, licensed victualler, and brewer and publican, Feb. 18 and March 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Hoyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry, London.—Petition filed Feb. 7.

#### MEETINGS.

Wm. Austin, Grove, Great Guildford-st., Southwark, and New-st., Southwark-bridge-road, Surrey, ironfounder, March 10 at 2, Court of Bankruptcy, London, last ex.—J. Tyars, New Crane Corn Wharf, Shadwell, Middlesex, wharfinger, Feb. 25 at 11, Court of Bankruptcy, London, last ex.—James T. Wheatley, Cranmer-place, Waterloo-bridge-road, Surrey, lighterman, Feb. 23 at 12, Court of Bankruptcy, London, and ac.—Wm. Robinson, Maidstone, Kent, linen-draper, Feb. 23 at half-past 12, Court of Bankruptcy, London, and ac.—Charles Arnold, Watling-st., Cheapside, and Gracechurch-st., London, dealer in provisions, Feb. 23 at 12, Court of Bankruptcy, London, and ac.—John Hill, Prospect-place, Holloway-road, Middlesex, builder, Feb. 22 at 12, Court of Bankruptcy, London, and ac.—Wm. Wellington, Bindley-st., Harrow-road, Paddington, Middlesex, builder,

Feb. 25 at 1, Court of Bankruptcy, London, and ac.—Henry Fisher and Edward Wm. Selwood, Aldersgate-st., London, milliners, Feb. 22 at 12, Court of Bankruptcy, London, and ac.—R. S. Boulter, Mount-row, Westminster-road, Lambeth, Surrey, tailor, Feb. 21 at 12, Court of Bankruptcy, London, and ac.—Benjamin Atwell, Westbury, Wiltshire, builder, Feb. 21 at 12, Court of Bankruptcy, London and ac.—John Waits, Swindon, Wiltshire, corn dealer, March 4 at 11, District Court of Bankruptcy, Bristol, and ac.—John Deane, Liverpool, druggist, Feb. 21 at 11, District Court of Bankruptcy, Liverpool, and ac.—Robt. Harding, Road, near Beckington, Somersetshire, grocer, Feb. 24 at 11, District Court of Bankruptcy, Bristol, and ac.—Daniel Sparks, Cirencester, Gloucestershire, surgeon, Feb. 24 at 11, District Court of Bankruptcy, Bristol, and ac.; March 3 at 11, div.—Wm. Mawry, Liverpool, merchant, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, and ac.—George Hopkinson, Liverpool, coach builder, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, and ac.—William Roberts, Bethesda, near Bangor, Carnarvonshire, joiner, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, and ac.—William Briddon, Liverpool, manufacturing chemist, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, and ac.—Ann Crawford, Warden, Northumberland, paper manufacturer, March 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—John Steele, Spotland-bridge, near Rochdale, Lancashire, brewer, Feb. 24 at 12, District Court of Bankruptcy, Manchester, and ac.—Isaac Orrell, Radcliffe, Lancashire, cotton manufacturer, Feb. 25 at 12, District Court of Bankruptcy, Manchester, and ac.—Joseph Lee, Dewsbury, Yorkshire, grocer, Feb. 28 at half-past 11, District Court of Bankruptcy, Leeds, and ac.; March 7 at half-past 11, div.—Joseph Nicholl, Halifax, Yorkshire, worsted spinner, Feb. 28 at 12, District Court of Bankruptcy, Leeds, and ac.; March 7 at 11, fin. div.—J. Ick Evans, Harrow-road, Paddington, Middlesex, clothier, March 10 at 1, Court of Bankruptcy, London, div.—Thomas James Lough and Charles William Lewis, Great St. Helen's, Bishopsgate-street Within, London, drysalers, March 17 at 1, Court of Bankruptcy, London, div.—Richard Pope and John Buckingham Pope, Adelaide-place, London-bridge, London, brick manufacturers, March 4 at half-past 1, Court of Bankruptcy, London, div. sep. est. of John Buckingham Pope.—J. H. Davy, Parker-street, Drury-lane, Middlesex, coach wheelwright, March 4 at 12, Court of Bankruptcy, London, div.—Charles Olivier, New Bond-street, Middlesex, music seller, March 4 at 1, Court of Bankruptcy, London, div.—W. James Buck, Shrubland-cottages, Queen's-road, Dalston, Middlesex, dealer and chapman, March 5 at 1, Court of Bankruptcy, London, div.—William Hornby, Kirkdale, Lancashire, joiner, March 4 at 11, District Court of Bankruptcy, Liverpool, div.—Henry Hunt, Derby, maltster, Feb. 25 at 10, District Court of Bankruptcy, Nottingham, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

William Harknett, Courland-grove, Larkhall-lane, Clapham, and Lavender-hill, Wandsworth-road, Surrey, builder, March 7 at half-past 1, Court of Bankruptcy, London.—Geo. Prentice, Artillery-lane, Bishopsgate-street, London, licensed victualler, March 7 (and not Feb. 9, as before advertised) at 1, Court of Bankruptcy, London.—John Bennington Blythe, Minerva-place, New-cross, Surrey, builder, March 4 at 11, Court of Bankruptcy, London.—Abel Williams, Iron Acton, Gloucestershire, licensed victualler, March 14 at 11, District Court of Bankruptcy, Bristol.—Thomas Young, Hartlepool, Durham, grocer, March 7 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—A. Crawford, Warden, Northumberland, paper manufacturer, March 7 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.

To be granted, unless an Appeal be duly entered.

John King, Ryeford, Stonihouse, Gloucestershire, mealman.—George Smith, Liverpool, tailor.

#### PETITION ANNULLED.

Thomas Cole, Newport, Isle of Wight, Hampshire, cabinet maker.

#### PARTNERSHIPS DISSOLVED.

Thomas Coppard and John Turner Rawlison, Horaham, Sussex, attorneys and solicitors.—William Humphrys and Jos. Robinson, Hereford, solicitors, (under the firm of Humphrys & Robinson).



## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**John W. H. Chaffin**, Birmingham, tobacconist, Feb. 26 at 10, County Court of Warwickshire, at Birmingham.—**George Hall**, Birmingham, furniture broker, Feb. 26 at 10, County Court of Warwickshire, at Birmingham.—**Thomas Bayliss**, Birmingham, butcher, Feb. 26 at 10, County Court of Warwickshire, at Birmingham.—**Henry Peet**, Birmingham, clerk to an accountant, Feb. 26 at 10, County Court of Warwickshire, at Birmingham.—**Wm. Edmonds**, Birmingham, out of business, Feb. 26 at 10, County Court of Warwickshire, at Birmingham.—**Edward Millard**, Redbourn, near St. Alban's, Hertfordshire, plumber, Feb. 25 at half-past 10, County Court of Hertfordshire, at St. Alban's.—**John Rees**, Swansea, Glamorganshire, cabinet maker, Feb. 16 at 10, County Court of Glamorganshire, at Swansea.—**David Pugh**, Oystermouth, Glamorganshire, licensed victualler, Feb. 16 at 10, County Court of Glamorganshire, at Swansea.—**George Dray**, Canterbury, Kent, baker, Feb. 21 at 11, County Court of Kent, at Canterbury.—**John Chapman**, Bishop's Hatfield, Hertfordshire, bricklayer, Feb. 25 at half-past 10, County Court of Hertfordshire, at St. Alban's.—**Wm. Pettit**, Bardwell, Suffolk, shopkeeper, Feb. 21 at 10, County Court of Suffolk, at Bury St. Edmund's.—**George Beech**, Blackburn, Lancashire, bookkeeper, March 7 at 10, County Court of Lancashire, at Blackburn.—**George Dixon**, Liverpool, beer-house keeper, Feb. 21 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 25 at 10, before Mr. Commissioner LAW.*

**Wm. Batchelar** the elder, Great Cambridge-street, Hackney-road, Middlesex, carpenter.

*Feb. 26 at 11, before Mr. Commissioner PHILLIPS.*

**Edw. Botell**, Bishop's-terrace, St. Mary's-square, Lambeth, Surrey, grocer.—**Thos. B. Eagles**, Brentwood, Essex, hatter.

*Feb. 28 at 10, before Mr. Commissioner LAW.*

**George Bayfield**, Bunhill-row, Old-street, St. Luke's, Middlesex, baker.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 22 at 11, before the CHIEF COMMISSIONER.*

**St. John Wm. Coffey**, Gloucester-place, Portman-square, Middlesex, clerk in the Custom-house, London.—**Thomas Fowler** the elder, Fleet-lane, Farringdon-st., London, baker.—**Henry Hobbs**, Moscow-road, Bayswater, Middlesex, shoemaker.—**James Brown**, Wimbledon-common, Surrey, retailer of beer.—**James Waldron**, Upper Thames-st., London, corn dealer.—**Peter Samuel Campbell**, Freeschool-street, Horselydown, Southwark, Surrey, cheesemonger.

*Feb. 24 at 11, before Mr. Commissioner PHILLIPS.*

**John Summers**, Acton-street, Gray's-inn-road, Middlesex, carpenter.—**Wm. Platt**, Beaufort-buildings, Strand, Middlesex, goldsmith.—**Wm. Henry Garry**, Great Tower-st., London, attorney-at-law.

*Feb. 25 at 11, before the CHIEF COMMISSIONER.*

**C. P. Sacks**, Maoclesfield-street, Soho, Middlesex, goldsmith.—**Thomas Cooper**, High Holborn, Middlesex, out of business.

*Feb. 26 at 11, before Mr. Commissioner PHILLIPS.*

**James Jaques**, Mount-st., New-road, Whitechapel-road, Middlesex, out of business.

*Feb. 28 at 10, before Mr. Commissioner LAW.*

**Francis Peter Chalu**, Gray's-inn-lane, Middlesex, tailor.

*Feb. 28 at 11, before Mr. Commissioner PHILLIPS.*

**Charles Vincent Coelestin Gavaron**, Mill-street, Hanover-square, Middlesex, gentleman.—**Richard Goodey** the elder, Rivers-terrace, York-road, King's-cross, Middlesex, baker. County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—

**Edw. Price**, Liverpool, tailor, No. 75,936; **Joseph Wilson**, assignee.—**William Johnson**, Walton, near Liverpool, out of

business, No. 75,943; **Samuel Bishop**, assignee.—**Jas. Yates**, Snig-lane, Prescott, out of business, No. 76,074; **Francis Tilley**, assignee.—**Wm. Gray**, Chorlton-upon-Medlock, Manchester, brewer, No. 76,058; **John Williams**, assignee.—**T. Goodier**, Preston, out of employment, No. 75,837; **James Livesey**, assignee.—**Henry M'Cann**, Manchester, painter, No. 76,063; **Wm. Haigh** and **Jos. Greenwood**, assignees.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Feb. 21 at 10.*

**Wm. Freeman**, Ely, licensed victualler.—**Robert Bedwell Goldsmith**, Cambridge, licensed victualler.

*At the County Court of Shropshire, at SHREWSBURY, Feb. 22 at 10.*

**Robert Welsh**, Wellington, draper.—**Wm. Rogers**, Frankwell, wharfinger.

*At the County Court of Staffordshire, at STAFFORD, Feb. 22 at 10.*

**Jos. Smith**, Wolverhampton, in no business.—**Edw. Eys** the elder, Colton, near Rugeley, in no business.—**John H. Roberts Bayley**, Wolverhampton, schoolmaster.—**P. Crook**, Moxley, near Bilston, wheelwright.—**William Joshua Wilson**, Wolverhampton, edge-tool maker.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Feb. 24 at 10.*

**Wm. Brown**, Gallowgate, baker.

*At the County Court of Lancashire, at LANCASTER, Feb. 25 at 11.*

**Thos. Preston** the younger, Manchester, out of business.—**Robert Carr**, Liverpool, out of business.—**Jos. Tunge**, Manchester, out of business.—**Samuel Moore**, Manchester, out of business.—**Ellen Elizabeth Bennett** and **Mary Etch Bennett**, Greenheys, Manchester, plush manufacturers.—**Jos. Morris** the younger, St. Helen's, joiner.—**John Wilson**, Birkenhead, near Liverpool, provision dealer.—**Wm. Riding**, Hoghton, near Blackburn, farmer.—**Thomas Jos. Marsden Tallentire**, Hoghton Bottoms, near Preston, grocer.—**Anthony Festman**, Gannow, Habergham Eaves, retail beerseller.—**Thos. White**, Blackburn, out of business.—**William Wilkinson**, Sandgate, Habergham Eaves, near Burnley, builder.—**John Lisle**, Werneth, near Oldham, cart owner.—**Robert Wright**, Manchester, tailor.—**Mary Kearsley**, Bolton-le-Moors, butcher.—**Geo. Holchkiss**, Pendlebury, near Manchester, wheelwright. *At the County Court of Devonshire, at EXETER, Feb. 26 at 10.*

**John Ebdon**, Colyton Raleigh, labourer.—**Samuel Augustus Hayes**, Exeter, and Laurel-cottage, Putney, Surrey, clerk in the Surveyor's Department of the Admiralty, Somerset-house, Strand, Middlesex.—**R. Nicholls**, Devonport, inspector of shipwrights.

## MEETING.

**Edward Boden**, Parkfields, near Wolverhampton, Staffordshire, bootmaker, March 2 at 11, Hayes's, Wolverhampton, sp. aff.

TUESDAY, FEBRUARY 15.

## BANKRUPTS.

**RICHARD STOCK MEESON**, **JOHN MEESON**, and **EDWARD MEESON**, Stratford, Essex, coal merchants and lime burners, Feb. 25 at 1, and April 1 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. G. & E. Hilleary, 63, Fenchurch-street, London.—Petition filed Feb. 14.

**GEORGE STOREY**, Whittlesea, Cambridgeshire, draper, dealer and chapman, Feb. 24 at half-past 12, and March 24 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jones, Sise-lane, London.—Petition filed Jan. 28.

**HUMPHREY GROVER**, Ealing, Middlesex, grocer, oil and colour man, dealer and chapman, Feb. 25 at half-past 1, and April 1 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Johnson, 5, Gray's-inn-square.—Petition filed Jan. 31.

**JANE EMMA SPENCE**, Ladbroke-square, Notting-hill, Kensington, Middlesex, boarding-house keeper and schoolmistress, Feb. 25 and April 1 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Vaughan, 12, Porteous-road, Paddington-green.—Petition filed Feb. 10.

## MEETINGS.

*Frederick Wm. Thomas*, Leadenhall-street, London, and *Usher*, March 1 at 11, Court of Bankruptcy, London, last ex.—*Alfred Bunnell*, Bridge-house-place, Newington-causeway, Surrey, window-blind manufacturer, March 2 at 1, Court of Bankruptcy, London, last ex.—*Christian Bruce Reid*, Newcastle-upon-Tyne, common brewer, Feb. 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Collingwood Tully*, Sunderland, shipowner, March 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*J. Robertson*, Woolwich, Kent, publican, March 2 at 12, Court of Bankruptcy, London, and. ac.—*W. Hollamby*, Hurstpoint, Sussex, grocer, March 2 at 12, Court of Bankruptcy, London, and. ac.—*C. Rhodes*, Terrace, Kensington, Middlesex, milliner, March 2 at half-past 12, Court of Bankruptcy, London, and. ac.—*Edward Cooper Pyffe* and *E. W. Pyffe*, Howford-buildings, Fenchurch-st., London, and *Edw. Pyffe* the younger, Calcutta, East Indies, merchants, Feb. 25 at half-past 12, Court of Bankruptcy, London, and. ac.—*Jos. S. Hodge* and *Jas. Culpin*, New Oxford-st., Middlesex, tailors, Feb. 25 at half-past 12, Court of Bankruptcy, London, and. ac.—*Henry Stratton*, Aylesbury, Buckinghamshire, trader, Feb. 25 at 12, Court of Bankruptcy, London, and. ac.—*S. Adams*, *Wm. Bridges Adams*, and *Gerard Ralston*, Bow, Middlesex, engineers, Feb. 25 at 12, Court of Bankruptcy, London, and. ac. sep. est. of *S. Adams*.—*J. Gouldin*, Outwell, Norfolk, potato dealer, Feb. 26 at 12, Court of Bankruptcy, London, and. ac.—*Wm. Noble*, Charles-street, St. George's in the East, Middlesex, wholesale stay manufacturer, Feb. 26 at half-past 1, Court of Bankruptcy, London, and. ac.—*Walter Pultein*, Torriano-avenue, Kentish-town, Middlesex, out of business, Feb. 26 at 12, Court of Bankruptcy, London, and. ac.—*Emilio Pistrucci*, Salisbury-st., Strand, Middlesex, printer, March 1 at 12, Court of Bankruptcy, London, and. ac.—*B. Wray*, Kingston-upon-Hull, draper, March 2 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*Edward Ashton*, Kingston-upon-Hull, woollendrapers, March 2 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*J. Meads*, Nottingham, grocer, March 11 at 10, District Court of Bankruptcy, Nottingham, and. ac.—*J. Robinson*, Shavington-cum-Grosey, Cheshire, cheesefactor, Feb. 25 at 11, District Court of Bankruptcy, Liverpool, and. ac.; March 10 at 11, div.—*W. Worrall* and *R. Williamson*, Liverpool, merchants, Feb. 25 at 11, District Court of Bankruptcy, Liverpool, and. ac.; March 10 at 11, div.—*W. Longson*, Heaton Norris, Lancashire, joiner, March 3 at 12, District Court of Bankruptcy, Manchester, and. ac.; March 10 at 12, div.—*Isaac Hayes*, St. John's-lane, Clerkenwell, Middlesex, stereotype founder, March 8 at 2, Court of Bankruptcy, London, div.—*E. M. Marks*, Mortimer-street, Cavendish-square, and *Stanhope-st.*, Regent's-park, Middlesex, upholsterer, March 8 at 1, Court of Bankruptcy, London, div.—*E. Kretschmar*, King-square, Middlesex, manufacturing jeweller, March 8 at 2, Court of Bankruptcy, London, fin. div.—*John Steele*, Spital-bridge, near Rochdale, Lancashire, brewer, March 10 at 12, District Court of Bankruptcy, Manchester, div.—*J. Deane*, Liverpool, chemist, March 7 at 11, District Court of Bankruptcy, Liverpool, div.—*Sinclair Porter*, Chester, attorney-at-law, March 8 at 11, District Court of Bankruptcy, Liverpool, div.—*Richard Hadland*, St. Helen's, Lancashire, glass manufacturer, March 9 at 11, District Court of Bankruptcy, Liverpool, div.—*George Smith*, Liverpool, tailor, March 8 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Joseph Warren*, Ramsgate, Kent, stationer, March 17 at 2, Court of Bankruptcy, London.—*Charles Clarke*, Percy Cross Nursery, Walham-green, Fulham, Middlesex, market gardener, March 15 at 11, Court of Bankruptcy, London.—*Geo. Collier*, Hatton-garden, Middlesex, bookbinder, March 15 at half-past 11, Court of Bankruptcy, London.—*James Oliver*, Liverpool, draper, March 9 at 11, District Court of Bankruptcy, Liverpool.

To be granted, unless an Appeal be duly entered.

*G. C. Green*, Bread-street-hill, London, and *Postford Mills*, near Guildford, Surrey, paper manufacturer.—*Wm. M'Kay*, Upper Kennington-lane, Lambeth, Surrey, draper.

## PARTNERSHIP DISSOLVED.

*George Haslehurst Bullivant* and *John W. Wilders*, Old

Bailey, London, and *Whittleson*, Title of Ely, Cambridgeshire, attorneys and solicitors.

## SOOTON SEQUESTRATIONS.

*John Mungall*, Glasgow, spirit dealer.—*John Hutchinson*, Glasgow, manufacturer.—*George Mackay*, Scourie, Sutherlandshire, merchant.—*Ross & Bowman*, Glasgow, pianoforte makers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*James Brakenridge*, Liverpool, marble mason, Feb. 21 at 10, County Court of Lancashire, at Liverpool.—*G. H. Webb*, Alton, Southampton, butcher, March 8 at 12, County Court of Hampshire, at Alton.—*William Kelland*, Kidderminster, Worcestershire, nurseryman, March 14 at 10, County Court of Worcestershire, at Kidderminster.—*James Ellam*, Barnsley, Yorkshire, attorney's clerk, March 4 at 12, County Court of Yorkshire, at Barnsley.—*W. Green*, Barnsley, Yorkshire, auctioneer, March 4 at 12, County Court of Yorkshire, at Barnsley.—*J. Jarrett*, Maidstone, Kent, out of employ, March 2 at 12, County Court of Kent, at Maidstone.—*R. J. Edwards*, Wolstanton, Staffordshire, organist, Feb. 23 at 10, County Court of Staffordshire, at Hanley.—*William Boulter*, Upton-upon-Severn, Worcestershire, farmer, March 7 at 10, County Court of Worcestershire, at Upton-upon-Severn.—*J. Vaughan*, Sheffield, Yorkshire, fork grinder, March 2 at 12, County Court of Yorkshire, at Sheffield.—*Samuel Peake Knight*, Trannere, Bebington, Cheshire, bookkeeper, Feb. 18 at 10, County Court of Cheshire, at Birkenhead.—*Thomas Cooke*, Cheltenham, Gloucestershire, tailor, March 29 at 10, County Court of Gloucestershire, at Cheltenham.—*W. Hudson*, Sheffield, Yorkshire, labourer, March 2 at 12, County Court of Yorkshire, at Sheffield.

Saturday, Feb. 12.

An Assignee has been appointed in the following Case. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*William Best Naunton*, Great Yarmouth, Norfolk, baker, No. 75,996 C.; *George Kitton*, assignee.

Friday, Feb. 11.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Henry Andrews*, Haddon-place, Waterloo-road, Surrey, cabinet manufacturer: in the Gaol of Surrey.—*Samuel Ray*, Ashby-cottage, Broad-green, Croydon, Surrey, carpenter: in the Debtors Prison for London and Middlesex.—*W. Jones*, Enfield, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*R. Welby*, Jermyn-street, St. James's-street, Middlesex, in no business: in the Queen's Prison.—*T. M. Lonsdale*, Duke-street, Lincoln's-inn-fields, Middlesex, cabriolet driver: in the Debtors Prison for London and Middlesex.—*R. Lee*, Bayst-terrace, Bethnal-green, Middlesex, silk manufacturer: in the Debtors Prison for London and Middlesex.—*Isidor Gluck*, Southmolton-street, Grosvenor-square, Middlesex, doctor of medicine: in the Debtors Prison for London and Middlesex.—*Jas. Cox*, Hartland-road, Hampstead-road, Middlesex, out of business: in the Queen's Prison.—*James Creamer*, Dale-cottage, York-road, Battersea, Surrey, labourer: in the Gaol of Surrey.—*Henry Edwards*, Penton-street, Pentonville, Middlesex, beer-house keeper: in the Debtors Prison for London and Middlesex.—*J. Cakebread*, Spurgin, Moorgate-street, City, chemist: in the Debtors Prison for London and Middlesex.—*William Edwards*, Cross-street, Hatton-garden, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Peter Glass*, Bermuda-street, Commercial-road East, Middlesex, tin-plate worker: in the Debtors Prison for London and Middlesex.—*Wm. Henry Walsh*, Worship-street, Finsbury, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.

Saturday, Feb. 12.

(On their own Petitions).

*John Lisle*, Werneth, near Oldham, Lancashire, carter: in the Gaol of Lancaster.—*Wm. Butt*, Stalbridge, Dorsetshire, manager of a dairy: in the Gaol of Dorchester.—*G. Martin*, St. Sidwell, Exeter, accountant: in the Gaol of Exeter.—

*James Kebby*, Taunton, Somersetshire, carrier: in the Gaol of Wilton.—*Charles H. May*, Truro, Cornwall, assistant to an ironmonger: in the Gaol of Coventry.—*Wm. J. Wilson*, Wolverhampton, Staffordshire, grocer: in the Gaol of Stafford.—*Charles Dearden*, East Top, Wuerdle and Wardle, Rochdale, Lancashire, farmer: in the Gaol of Lancaster.—*Michael A. Motter*, Preston, Lancashire, schoolmaster: in the Gaol of Lancaster.—*George B. Scholes*, Hulme, Manchester, tailor: in the Gaol of Lancaster.—*George Ball*, Cranbourne, Dorsetshire, market gardener: in the Gaol of Dorchester.—*John Colman*, Birmingham, builder: in the Gaol of Warwick.—*Peter Fairhurst*, Macclesfield, Cheshire, plumber: in the Gaol of Chester.—*Edmund H. Turnbull*, South Shields, Durham, grocer: in the Gaol of Durham.—*J. Riding*, Balderstone, near Blackburn, Lancashire, licensed victualler: in the Gaol of Lancaster.—*George Hotchkiss*, Pendlebury, near Manchester, wheelwright: in the Gaol of Lancaster.—*Alexander Wadsworth*, Four Lane Ends, near Blackburn, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Mary Rearsley*, Bolton-le-Moors, Lancashire, butcher: in the Gaol of Lancaster.—*Joseph Cathrell*, Holbeck, Leeds, Yorkshire, bricklayer: in the Gaol of York.—*T. Chambers*, Birmingham, out of business: in the Gaol of Coventry.—*Richard Salt*, Birmingham, cutler: in the Gaol of Coventry.—*John Mitchell*, Waltham Abbey, Essex, out of business: in the Gaol of Springfield.—*Robert Newsum*, Kirby Moorside, Yorkshire, baker: in the Gaol of York.—*John H. Vries*, Cheltenham, Gloucestershire, doctor of medicine: in the Gaol of Gloucester.—*Tertius J. Cook*, Birmingham, bookkeeper: in the Gaol of Coventry.—*William Jenkins*, Water Orton, Warwickshire, farmer: in the Gaol of Coventry.—*Henry Crosby*, Gravesend, Kent, out of business: in the Gaol of Maidstone.—*J. Goldsmith*, Tunbridge Wells, Kent, labourer: in the Gaol of Maidstone.—*Walter J. Heale*, Abchurch-lane, London, commission agent: in the Gaol of Maidstone.—*E. Wood*, Keynsham, Somersetshire, grocer: in the Gaol of Bristol.—*Wm. T. Dance*, Pinhoe, Devonshire, retired captain in the Royal Navy: in the Gaol of St. Thomas the Apostle.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at BRISTOL, March 2 at 11.*

*Henry J. Brahm, Bristol, optician.*

*At the County Court of Kent, at MAIDSTONE, March 2 at 12.*

*Frederick Lawrence*, Gravesend, out of business.—*David Freeland*, Strood, wharfinger.—*J. Killingsworth* the younger, Maidstone, dealer in manures.—*Harriet Freeland*, Strood, wharfinger.—*Ann S. Freeland*, Strood, wharfinger.—*George Laker*, Maidstone, plumber.—*Walter J. Heale*, Myrtle Villa, Blackheath, commission agent.—*John Goldsmith*, Tunbridge Wells, labourer.—*Henry Crosby*, Gravesend, out of business.

*At the County Court of Lincolnshire, at LINCOLN, March 8 at 12.*

*Cotnam Fields*, Holbeach, tailor.—*Henry Lyne*, Glandford Brigg, sheep net manufacturer.

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FEB. 26, 1853.

Price 1s., with Supplement, 2s.

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LONDON, FEBRUARY 26, 1853.

THE carrying trade of England has become of unparalleled magnitude, and the questions which, in its development, are constantly occurring for the consideration of Courts of law and equity are second to none in interest or importance.

There are, among others, a series of decisions on the law of contract, as between railway companies and landowners, which present in a novel aspect the jurisdiction of Courts of equity in cases of specific performance. According to these, if an incorporated company formally agree, or sanction a previous agreement by their promoters, with a landholder to buy his land for a certain sum, in consideration of his forbearing to oppose the passing of the bill in Parliament which is to authorise the taking of the land for the purpose of making a railway over it, the landholder may enforce specific performance of this agreement, though the line has afterwards been abandoned, and the time within which the company could exercise their powers for obtaining possession has expired. (*Simpson v. Lord Howden*, 9 Cl. & Fin. 61). This rule imposes upon railway companies an obligation to take land which they cannot use, and to pay for it an extraordinary price, which they agreed to give to prevent opposition to their bill. The hardship which it inflicts upon them

is, therefore, very considerable. On the other hand, the landholder has entered into a bona fide contract to sell his land, and, in most cases of this kind, he will probably have somewhat altered his position on the faith of this agreement; and in every instance the non-completion of the contract has been less by his fault than that of the company. It is evident, from even this slight sketch, that to administer a discretionary equity, like that of the jurisdiction to enforce specific performance, in such cases as these, is a task that may try the powers of the ablest judge in the Courts of Chancery. Accordingly, as in all cases where any exercise of discretion is allowable, we find some dissimilarity in the decisions.

In *Webb v. The Direct London and Portsmouth Railway Company* (9 Hare, 129) the contract was to select eight acres of the plaintiff's land, and for those eight acres, and for consequential damage, to pay him 4500*l*. The consideration for the agreement was, withdrawal of opposition to the company's bill. The bill became an act, but the company abandoned the formation of the line, and allowed the time for the exercise of their powers to expire. It did not appear that the plaintiff had altered his position upon the faith of the contract, but he represented that he had been put to some expense. Sir G. J. Turner, V. C., decided that the expiration of the company's powers did not affect their

obligations; and he answered the argument of hardship by saying, that the company had entered into the agreement with their eyes open, and had had the benefit of the landowner's withdrawal of his opposition in Parliament; and that if the decree were refused, on the ground of the subsequent inability of the defendants to complete the railway, it must be refused in all cases in which a purchaser found that he could not effect the purpose for which he entered into the contract.

Lord Cranworth, L. J., however, on appeal, (1 De G., Mac., & G. 521), in reversing this decision, observed that the Court would readily listen to an objection made against a vendor seeking specific performance, because, of necessity, he could get complete relief at law; and in this case the decree, which was appealed from, would or might occasion positive injustice; it would give to the plaintiff 4500*l.* as the purchase money for that which the defendants had not taken, and which, perhaps, they never could now take, whereas damages at law would do complete justice. Sir J. L. Knight Bruce, L. J., thought the agreement too obscure to be enforced; and on the same ground he also refused specific performance in the similar case of *Lord James Stuart v. The London and North-western Railway Company*, (1 De G., Mac., & G. 721).

Subsequently to these decisions occurred the appeal case of *Hawkes v. The Eastern Counties Railway Company*, (1 De G., Mac., & G. 737). The agreement there was of a similar kind, for the like consideration of not opposing the company's bill; and the suit was instituted by the landowner after the act of Parliament had been obtained, but just before the company's powers expired. At the date of the judgment, however, these powers were gone. The feature of the case which seems to us to give it a distinguishing peculiarity was, that the plaintiff, on the faith of the contract, had vacated his dwelling-house, which was on the land to be taken, and had therefore considerably altered his position upon the footing of the agreement. The Lord Chancellor (Lord St. Leonard's) decreed specific performance, at the suit of the landowner against the company, and observed, with reference to the previous decisions—"It appears to me that the case of *Webb v. The Direct London and Portsmouth Railway Company* was reversed upon the uncertainty of the contract; and if it was reversed upon any other ground, I should hesitate before I could acquiesce in that decision." Speaking of the same decision, and of *Lord James Stuart's case*, the Lord Chancellor also said—"I do not say that either of those decisions was not a proper decision, under the particular circumstances of each case; but I say, if they are to be considered as authorities for refusing specific performance in a case like the present, that I should totally disagree with them. Such would be a new view of the doctrine of this Court." Now, looking at another part of the Lord Chancellor's judgment, we find these words:—"I have not the slightest doubt that a bona fide agreement for the sale of lands, enabling a company to promote its views, and carry them into effect by the aid of an act of Parliament, (whether the company may pay a little more or a little less than the actual value), is perfectly valid. I have no means of measuring the value, but in most of these cases it is of the greatest importance to promoters of railways that

they should be enabled to make purchases during the pendency of the bill before Parliament, and thus to get rid of opposition; and, under such circumstances, having obtained what they wanted, though they may have to pay a little more for their purchase, it is clearly not for this Court to inquire too narrowly into that, or on such grounds to refuse specific performance of the agreement." The last sentence in that paragraph is by no means in accordance with the views expressed in the judgments in the previous cases of the present Lord Chancellor. Lord Cranworth, unless we mistake, was of opinion that the magnitude of the price intended to be given, part of it being for consequential damage that could not occur, and injury by severance that would never be made, was a very strong reason for leaving the parties to their remedy at law, where a proper compensation for the breach of contract, with all its attendant circumstances, would be given in the shape of damages, estimated by a jury.

We submit that these decisions are consistent with one another, as Sir J. L. Knight Bruce, L. J., observed in *Lord James Stuart's case*; and in the remarks which we here make we do not intend to find fault with any of them; but it is undeniable, that in a contest between a wealthy company and a private individual, the national sympathy for the weaker party influences not a little the decisions of the Court of Chancery. A great company has always to struggle against a strong prejudice in the mind of the judge. Neither do we quarrel with that circumstance, except so far as it may interfere with doctrines which are constantly applied to cases of contracts between private individuals. However, we submit that the peculiar nature and circumstances of these companies cannot be entirely disregarded. Notwithstanding the high authority of Lord St. Leonard's, we think good reasons may be given in favour of Lord Cranworth's inclination to leave the parties, in many of these cases, to their remedies at common law. Very frequently railway companies fail to carry out their objects from no fault of the promoters; and it is a severe measure of justice to force them to complete purchases of land, which they cannot use, at prices much beyond the value. The company is not, as it is too often considered, an insensible abstraction, with exhaustless funds, but an aggregation of individuals, far too many of whom are poor clergymen, merchants' clerks, small shopkeepers, and others of the countless class who seek profitable investments for hard-earned savings. The money which the leviathan company can part with so easily comes out of the pockets of these individuals. To them it is a matter of vast importance whether the company shall pay 100,000*l.* for land which they do not require, or only 10,000*l.* by way of damages for breach of contract. These decisions affect not only the greedy speculators, who are most prominent in railway affairs—they are felt more hardly by quiet firesides down in remote corners of England.

On the other hand, we may picture rapacious landholders seeking to bind the company by exorbitant bargains, made in order to buy off at any price unreasonable opposition. We believe this view of the matter to be true, at least as often as the very different idea which is generally entertained; and in such a case

who can deny that a Court of equity is justified in exercising its acknowledged discretion, by leaving the landowner to obtain a full compensation, at least disadvantage to the company than would be occasioned by a decree for specific performance?\*

### Reviews.

1. *The Common-law Procedure Act, with numerous Notes, explanatory of its practical Effect; and an Introductory Essay, illustrative of its Tendency to restore the Ancient System of Pleading.* By R. MORRIS and W. F. FINLASON, Barristers at Law.  
[Stevens & Norton, 1852.]

2. *The New System of Common-law Procedure, according to the Common-law Procedure Act, 1852.* By J. R. QUAIN, Barrister at Law, and H. HOLROYD, Special Pleader.  
[Butterworths, 1852.]

A measure which has wrought so many and such important changes in common-law practice and pleading as the statute above referred to has naturally found numerous expositors, to explain (and, after the manner of commentators, sometimes to make) obscurities, to collect statutes, rules of court, and decisions of the former law applicable to the present system, and, in fact, to put the new cloth unto the old garment. Some content themselves with short annotations to such sections as are deemed worthy of them, briefly pointing out the object, and giving the former law, so far as may be considered practically useful. The edition of Messrs. Quain and Holroyd is after this fashion; it contains neither introduction, stating the changes effected by the statute, nor even a preface, but the act itself is given, followed by a copious and carefully-compiled index, and illustrated by well-written notes, which have evidently been composed with a view to meet the requirements of busy practitioners. They bear signs of acuteness as well as of careful consideration, and may, as far as we are able to judge, be safely relied upon.

The work of Messrs. Morris and Finlason is of a more ambitious character, though of less ambitious title. Here the editors start with an Introduction of 218 pages, which exhibits much learning and laborious research, and which is applied to the new measure in the notes appended to many of the succeeding pages. The learned authors are of opinion that the new act tends to restore the ancient system of pleading before it was corrupted, and the object of the Introduction is to shew how the act may best be construed in connexion with such system. Many of the instances given are curious, and we think it not improbable, as it certainly is desirable, that several of the principles laid down during or before the

\* For the above able article we are indebted to a frequent and valued contributor. We desire, however, to express our dissent from his apparent strictures on the doctrine laid down in *Hewkes v. The Eastern Counties Railway Company*. The principle of Lord St. Leonard's decision is as clear as daylight, and the doctrine of it is founded on the very elements of the rules of equity, viz. that a party, whether an individual, a corporation sole, or a corporation aggregate, is bound to fulfil his agreements deliberately entered into; and that he is not to be heard to say, that, having entered into an agreement for obtaining a benefit expected, he may depart from that agreement because circumstances render the anticipated benefit undesirable to him. Therefore a company, intending to make a line for its own profit, entering into a contract with a landowner to induce him to waive the exercise of his legal right of opposing the making of the line, is not to repudiate its contract because it finds afterwards that another line is more profitable, or that for that or any other reason it no longer desires to make the line, the liberty to make which without opposition was the condition on which it entered into the contract.—Ed.

reign of Edward III, and since allowed to remain in abeyance, will now again be adopted to some extent by our Courts, particularly the two important rules, first, that a party waived that which he had the power to plead, (i. e. that which he would know as well as the other party), and declined to plead, and therefore no objection could be taken to that which did not affect the substantial issue; and, secondly, that pleadings might be as general as possible, until the parties had agreed as to the point in dispute.

At first sight we were disposed to think this Introduction out of place, in an edition of so practical a measure as the Common-law Procedure Act, but we are now satisfied that it is sufficiently pertinent to the matter in hand to justify its position, and that it has been written with so much care and research as amply to repay perusal. At the same time, we think it might be condensed with advantage, and that the results should be summed up at the end of it. The conclusion to which the editors arrive is shewn most briefly and pointedly in note (a) to p. 219. We do not agree with the remarks upon the 49th section of the act, (p. 269, note (a)), and think there can be no possible use in retaining the allegation of losing and finding in trover, and of bailment in detinue; nor do we think a right construction has been put upon that part of the same section which states that "mutual promises to perform agreements shall be omitted." The editors seem to think that this will apply to the omission of a promise, which forms the sole consideration for another promise; but we think that the section excludes only the superfluous averment of mutual promises, after the statement of an agreement between the parties.

There is a mistake at the end of note (a) to p. 229, in stating that sect. 8 does not contain words which were in rule 2 of H. T., 2 Will. 4; it will be seen that the section does contain those words. In note (a) to p. 275, line 7 from the end, the word "not" is omitted by mistake. Very good notes will be found at p. 289, note (a), upon payment into court; p. 293, note (b), upon the new form of joining issue; and p. 315, note (a), upon costs of the day.

### London Gazettes.

FRIDAY, FEBRUARY 18.

#### BANKRUPTS.

ISAAC UNWIN, Poland-st., Oxford-st., Middlesex, builder, March 1 at 11, and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Rivolta, 10, Hart-street, Bloomsbury.—Petition filed Feb. 14.

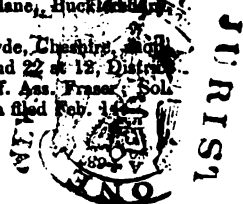
HENRY MANNINGTON MORGAN, Reading, Berkshire, shipowner, dealer and chapman, March 7 at 12, and April 6 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Freeman & Bothamley, 39, Coleman-street, City.—Petition filed Feb. 16.

WILLIAM BOOTH, Morpeth-terrace, Hackney-road, Middlesex, iron merchant and commission agent, trader, dealer and chapman, March 2 at half-past 1, and April 6 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, City.—Petition filed Feb. 16.

JOHN DAVIS, Colney Hatch, Middlesex, licensed victualler, dealer and chapman, Feb. 26 at 1, and April 9 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition dated Feb. 12.

ROBERT BRENNAND, Addle-street, Wood-st., London, warehouseman, dealer and chapman, March 4 and April 12 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, City.—Petition filed Feb. 10.

JOHN LEECH, Newton Moor, near Hyde, Cheshire, mill-keeper, dealer and chapman, March 1 and 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Buckley, Ashton-under-Lyne.—Petition filed Feb. 14.



**RICHARD PARKES HUNT**, Kidderminster, Worcestershire, hosier, March 2 and April 15 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Saunders & Son, Kidderminster; Motteram & Co., Birmingham.—Petition dated Feb. 14.

**DANIEL DALE**, Kids Grove, near Tunstall, Staffordshire, builders dealer and chapman, March 9 and 30 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Llewellyn, Tunstall; Hodgson, Birmingham.—Petition dated Feb. 1.

**GEORGE HENRY TYERMAN**, Plymouth, Devonshire, hosier, outfitter, dealer and chapman, Feb. 26 at half-past 1, and March 24 at half-past 10, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Little & Billing, Devonport; Sole & Co., 68, Aldermanbury; Overbury, 4, Frederick's-place, Old Jewry, London.—Petition filed Feb. 15.

**HENRY CANNINGS**, Market Lavington, Wiltshire, plumber, glazier, and painter, March 1 and 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Neate, Devizes, Wiltshire; Abbot & Lucas, Bristol.—Petition filed Feb. 8.

**GEORGE ARMSTRONG**, formerly of South Shields, Durham, tavern keeper and builder, and afterwards of the same place, builder, Feb. 25 at 11, and March 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Bagnal, Durham; Philipi, Gray's-inn-square, London.—Petition filed Feb. 4.

**LUKE JAGGER**, Huddersfield, Yorkshire, woollen cloth manufacturer and merchant, dealer and chapman, March 7 and April 4 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & H. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated Feb. 14.

**WILLIAM SHAW**, Lincoln, bookseller, stationer, toyman, and dealer in musical instruments, music, and fancy articles, dealer and chapman, March 2 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Tweed, Lincoln.—Petition filed Jan. 3.

#### MEETINGS.

*Wm. Mayfield*, Spalding, Lincolnshire, grocer, March 11 at 10, District Court of Bankruptcy, Nottingham, last ex.—*M. Feeny and John Gard*, St. Martin's-lane, Middlesex, woollen drapers, March 3 at half-past 11, Court of Bankruptcy, London, aud. ac.; March 12 at 12, div.—*J. H. Davy*, Parker-street, Drury-lane, Middlesex, coach wheelwright, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. John Kerridge*, Deptford, Kent, cheesemonger, March 4 at 11, Court of Bankruptcy, London, aud. ac.—*John Beckett*, Reading, Berkshire, coal merchant, March 4 at 11, Court of Bankruptcy, London, aud. ac.—*Joseph Tall and J. Mingay*, Crawford-street, Bryanstone-square, and Wellstead-yard, Seymour-place, Bryanstone-square, and Titchbourne-street, Edgeware-road, Middlesex, mechanical tool manufacturers, March 8 at 1, Court of Bankruptcy, London, aud. ac.—*W. Hornby*, Kirkdale, Lancashire, joiner, March 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Thomson and Wm. Leith*, Liverpool, timber merchants, March 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. *W. Leith*.—*John Threlfall*, Liverpool, banker, March 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac. and div.—*George Smith*, Liverpool, tailor, March 1 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*E. Cowper Fyffe and E. W. Fyffe*, Howford-buildings, Fenchurch-st., London, and *Edw. Fyffe the younger*, Calcutta, East Indies, merchants, March 12 at 11, Court of Bankruptcy, London, div. joint est., and sep. est. of *E. C. Fyffe*.—*S. Adams, Wm. Bridges Adams, and Gerard Ralston*, Bow, Middlesex, engineers, March 11 at half-past 11, Court of Bankruptcy, London, div. sep. est. of *S. Adams*.—*Thos. Ekin*, Cambridge, spirit merchant, March 12 at half-past 12, Court of Bankruptcy, London, div.—*Jos. S. Hodge and James Culpin*, New Oxford-street, Middlesex, tailors, March 12 at half-past 11, Court of Bankruptcy, London, div.—*Henry Brett*, Portsea, Southampton, grocer, March 12 at half-past 1, Court of Bankruptcy, London, div.—*Henry Stratton*, Aylesbury, Buckinghamshire, trader, March 11 at half-past 11, Court of Bankruptcy, London, div.—*Rouland Bateman and Robert Hardwicke*, Carey-street, Lincoln's-inn, Middlesex, printers, March 12 at 1, Court of Bankruptcy, London, div.—*Thomas Severs*, Basinghall-street, London, woollen cloth warehouseman, March 15 at 12, Court of Bank-

ruptcy, London, div.—*Fred. Burghart*, Clifford-st., Bond-street, Middlesex, tailor, March 15 at 11, Court of Bankruptcy, London, div.—*Margaret Court*, deceased, *Frances Court*, (now *Frances Potter*), and *John Lowe Diggle*, deceased, Savage-gardens, merchants, March 12 at 1, Court of Bankruptcy, London, div.—*Charles May*, Norwich, *William L. Metcalfe*, Great Yarmouth, Norfolk, and *Charles James Metcalfe*, Roxton, Bedfordshire, soap manufacturers, March 15 at half-past 2, Court of Bankruptcy, London, div.—*Thos. Norman*, Penketh, near Warrington, Lancashire, sail cloth manufacturer, March 11 at 11, District Court of Bankruptcy, Liverpool, div.—*George Pim and Sylvanus Pim*, Birkenhead, Cheshire, merchants, March 11 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Crossley*, Noble-street, London, commission agent, March 11 at 11, Court of Bankruptcy, London.—*Michael Casey*, Baker-st., Portman-square, Middlesex, juvenile outfitter, March 17 at 1, Court of Bankruptcy, London.—*John Emmens*, Elizabeth-st., Eaton-square, Middlesex, corn dealer, March 11 at 11, Court of Bankruptcy, London.—*George Gardner*, Woolwich and Plumstead, Kent, ironmonger, March 11 at 12, Court of Bankruptcy, London.—*Michael Grouse and Daniel Coombe Sanders*, Oxford-st., Middlesex, tailors, March 11 at 12, Court of Bankruptcy, London.—*W. Robinson*, Grand Junction-terrace, Edgeware-road, Middlesex, upholsterer, March 11 at 1, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*Caroline Lee*, Park-st., Oxford-st., St. George's, Middlesex, baker.—*Frank Castelli*, Bury-court, St. Mary Axe, London, merchant.—*James Ingram*, Southampton, seedman.—*Wm. Keeping*, East-street, Walworth, Surrey, common brewer.—*James Jewitt*, Manchester, cotton spinner.

#### SCOTCH SEQUESTRATIONS.

*Donald Macpherson*, Arbroath, general merchant.—*Thos. Scott*, Leith, merchant.—*Jas. Pettigrew*, Glasgow, builder.—*Geo. McIntosh*, Craigie Park, near Perth, market gardener.—*Thos. Hunter*, Lockerbie, ironmonger.—*Alex. McDowell*, Glasgow, banker.

#### DECLARATION OF INSOLVENCY.

*Thomas James*, Pontymoile, Pantegue, Monmouthshire, sawyer, March 10 at 10, County Court of Monmouthshire, at Pontypool.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Ross*, Birmingham, out of business, March 21 at 10, County Court of Warwickshire, at Birmingham.—*Thos. Jones*, Birmingham, butcher, March 12 at 10, County Court of Warwickshire, at Birmingham.—*Dan Wilkinson*, Birmingham, porter to a wire manufacturer, March 12 at 10, County Court of Warwickshire, at Birmingham.—*Prudence Keay*, widow, Balsall Heath, Worcestershire, out of business, March 12 at 10, County Court of Warwickshire, at Birmingham.—*David Warwick*, East Hemingfield, Essex, baker, March 10 at 12, County Court of Essex, at Chelmsford.—*Wm. Mills*, Landport, Portsea, Southampton, butcher, March 9 at 11, County Court of Hampshire, at Portsmouth.—*Jas. Veare*, Havant, Southampton, shoemaker, March 9 at 11, County Court of Hampshire, at Portsmouth.—*Joel Roberts*, spinster, Llansannan, Denbighshire, shopkeeper, March 7 at 12, County Court of Denbighshire, at Denbigh.—*Geo. Eley*, East Dereham, Norfolk, dealer in ironmongery, March 18 at 10, County Court of Norfolk, at East Dereham.—*Alexander Brown*, Cheetham, Manchester, oil merchant, March 7 at 11, County Court of Lancashire, at Manchester.—*Kenneth Menzies*, Beeston, Nottinghamshire, surgeon, March 10 at 9, County Court of Nottinghamshire, at Nottingham.—*Jas. Goodwin*, Nottingham, tailor, March 10 at 9, County Court of Nottinghamshire, at Nottingham.—*Patrick John Hynes*, Nottingham, surgeon, March 10 at 9, County Court of Nottinghamshire, at Nottingham.—*Enoch Chambers*, Moor Green, Greasley, Nottinghamshire, butty collier, March 10 at 9, County Court of Nottinghamshire, at Not-



tingham.—*Stephen James Stevens*, Warley Barracks, Little Warley, near Brentwood, Essex, retired captain in the Hon. East India Company's service, March 9 at 12, County Court of Essex, at Brentwood.—*George Anson Clarke*, South Dene, Great Yarmouth, Norfolk, master mariner, March 8 at 10, County Court of Norfolk, at Great Yarmouth.—*Samuel Spencer*, Eaking, Nottinghamshire, baker, March 11 at 9, County Court of Nottinghamshire, at Newark.—*Jas. Newton*, West Stockwith, Misterton, Nottinghamshire, out of employment, March 14 at 12, County Court of Lincolnshire, at Gainsborough.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 2 at 11, before the CHIEF COMMISSIONER.*

*George Herman Tymcke*, Catherine-street, Commercial-road, Middlesex, master mariner.—*George Charles Norris*, Old-street, St. Luke's, Middlesex, zinc worker.—*Wm. Edwards*, Wilson-street, St. Luke's, Middlesex, house painter.

*March 2 at 10, before Mr. Commissioner LAW.*

*Walter Gilbert Patterson Brown*, Henry-street, Vauxhall, Surrey, clerk in the London District Post-office.—*Jonathan Terrest*, Little Alice-street, Goodman's-fields, Middlesex, carpenter.

*March 4 at 10, before Mr. Commissioner LAW.*

*Charles Wellington de Beauregard*, Tavistock-street, Covent-garden, Middlesex, schoolmaster.

*March 5 at 11, before Mr. Commissioner PHILLIPS.*

*John Agar*, Bell-cottage, High-road, Tottenham, Middlesex, clerk to a brewer.—*Ezekiel Butler*, North-street, Hackney, Middlesex, plumber.

*March 7 at 10, before Mr. Commissioner LAW.*

*William Partridge*, Sussex-street, St. Pancras, Middlesex, artist.—*Benjamin Joseph Warton*, George-street, Euston-square, Middlesex, cabinet maker.

*March 7 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Lovegrove*, Waterloo-st., Camberwell-green, Surrey, milkman.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 1 at 11, before the CHIEF COMMISSIONER.*

*James Ward*, Northall Farm, England's-lane, Hampstead, Middlesex, farmer.—*H. Wilton the elder*, St. John-street-rd., Clerkenwell, Middlesex, attorney-at-law.—*C. Musgrave*, Arundel-street, Strand, Middlesex, clerk in a gold mining company.—*Abraham Bernal*, Prospect-place, Cambridge-heath, Hackney, Middlesex, out of business.

*March 2 at 10, before Mr. Commissioner LAW.*

*Thomas Peppin*, Lime-street, London, wine merchant.—*Jas. Wheeler*, Clare-market, Lincoln's-inn-fields, Middlesex, linen-draper.—*William Moulting Cowell*, High-street, Marylebone, Middlesex, builder.

*March 4 at 11, before the CHIEF COMMISSIONER.*

*Thomas O'Connor*, New Church-street, Lisson-grove, Middlesex, out of business.

*March 4 at 10, before Mr. Commissioner LAW.*

*Inhana Benton*, Acre-terrace, New-road, Wandsworth, Surrey, licensed retailer of beer.—*James Hubbard*, Foxes'-lane, Shadwell, Middlesex, broom maker.—*Charles Smith*, Sheffield-street, Clare-market, Middlesex, foreman to a meat salesman.—*William Mackinlay Clark*, Hall-street, City-road, Middlesex, general merchant.

*March 7 at 10, before Mr. Commissioner LAW.*

*William Hughes*, Newman's-row, Bermondsey-street, Bermondsey, Surrey, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Dorsetshire, at DORCHESTER, March 8.*

*William Butt*, Keinton Magna, manager of a dairy.

*At the County Court of Nottinghamshire, at NOTTINGHAM, March 10 at 9.*

*Benjamin Formon the younger*, Mansfield, tinman.

**TUESDAY, FEBRUARY 22.**

**BANKRUPTS.**

**WILLIAM BRYAN**, Gilbert-st., Oxford-st., St. George's, Hanover-square, Middlesex, baker, dealer and chapman, March 1 at half-past 11, and April 7 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Hilary, Fenchurch-street.—Petition filed Feb. 12.

**EDWARD PRICE**, Birmingham, livery-stable and horse keeper, car proprietor, dealer and chapman, March 8 and April 6 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Petition dated Feb. 19.

**CHARLES DAVIES**, Worcester, innkeeper, March 8 and April 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Corles, Worcester; E. & H. Wright, Birmingham.—Petition dated Feb. 21.

**WILLIAM MORRITT**, Leeds, Yorkshire, coach proprietor, dealer and chapman, March 11 and April 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Middleton, Leeds.—Petition dated Feb. 17.

**ANDREW LOVE and CHARLES KEYS**, Liverpool, looking-glass manufacturers, dealers and chapmen, March 3 and April 7, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Taylor, St. Helen's; Banner, Liverpool.—Petition filed Feb. 18.

**ENOCH JONES**, Elton, Bury, Lancashire, ironfounder, dealer and chapman, March 4 and April 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Grundy, Bury, Lancashire.—Petition filed Feb. 17.

**MEETINGS.**

*Thos. Ekin*, Cambridge, spirit merchant, March 4 at 11, Court of Bankruptcy, London, aud. ac.—*Rowland Bate-man and Robert Hardwicke*, Carey-st., Lincoln's-inn, Middlesex, printers, March 4 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Gouger and David Hunter*, Great Winchester-st., London, merchants, March 4 at 2, Court of Bankruptcy, London, aud. ac.—*Richard Pope and John Buckingham Pope*, Adelaide-place, London-bridge, London, and Criggleston, Yorkshire, brick manufacturers, March 4 at half-past 1, Court of Bankruptcy, London, aud. ac. sep. est. of *John Buckingham Pope*.—*Henry Brett*, Portsea, Southampton, grocer, March 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John Sewell*, Chatteris, Isle of Ely, Cambridgeshire, money scrivener, March 4 at 2, Court of Bankruptcy, London, aud. ac.—*Job Way*, Uxbridge, Middlesex, licensed victualler, March 4 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Robinson*, Grand Junction-terrace, Edgeware-road, Middlesex, upholsterer, March 11 at 1, Court of Bankruptcy, London, aud. ac.; March 21 at 11, div.—*John Emmens*, Elizabeth-st., Eaton-square, Middlesex, corn dealer, March 11 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. Bell and Ambrose Champ*, Liverpool, provision dealers, March 4 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thos. Caunt*, Newark-upon-Trent, Nottinghamshire, coal merchant, March 18 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*William Gadsby the younger*, Cheetham, Manchester, joiner, March 17 at 12, District Court of Bankruptcy, Manchester, aud. ac. and div.—*W. Byrom, Henry Taylor, and Thos. Byrom*, Manchester, Liverpool, and Wigan, Lancashire, coal proprietors, March 12 at 11, District Court of Bankruptcy, Manchester, aud. ac., and March 17 at 12, div. sep. est. of *Thos. Byrom*.—*John Cuff*, Manchester, hotel keeper, March 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 15 at 12, div.—*C. Graydon*, St. Ann's-place, Limehouse, Middlesex, ship Chandler, March 15 at 11, Court of Bankruptcy, London, div.—*Charles Porter*, Bocking, Essex, out of business, March 15 at half-past 1, Court of Bankruptcy, London, div.—



**William Cooke**, Bow, Middlesex, miller, March 16 at 12, Court of Bankruptcy, London, div.—**Robt. Summers**, Bath-street, City-road, Middlesex, pawnbroker, March 15 at half-past 1, Court of Bankruptcy, London, div.—**Jabez Grimble**, Sydney-square, Whitechapel, Middlesex, builder, March 17 at half-past 11, Court of Bankruptcy, London, div.—**Edwin Shute**, Bristol, wine merchant, March 23 at 11, District Court of Bankruptcy, Bristol, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**William Cooke**, Bow, Middlesex, miller, March 16 at 12, Court of Bankruptcy, London.—**Stopford Thomas Jones**, King William-street, London, and Jamaica-wharf, Upper Ground-street, Lambeth, Surrey, coal agent, March 16 at 1, Court of Bankruptcy, London.—**John Richardson Oates**, Finch-lane, Cornhill, London, tailor, March 18 at half-past 12, Court of Bankruptcy, London.—**H. Copper**, Windmill-street, Gravesend, Kent, licensed victualler, March 18 at 11, Court of Bankruptcy, London.—**Chas. Jacob**, Ingram-court, Fenchurch-street, London, merchant, March 18 at 1, Court of Bankruptcy, London.—**Wm. H. Holland** and **Richard Bradburn**, Manchester, commission agents, March 15 at 12, District Court of Bankruptcy, Manchester.—**John B. Nicklin**, Wolverhampton, Staffordshire, ironmonger, April 7 at 12, District Court of Bankruptcy, Birmingham.—**Wm. Walton**, Leamington Priors, Warwickshire, baker, March 17 at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

**Solomon Beyfus**, Houndsditch, London, importer of French goods.—**William Bacon**, Brentwood, Essex, grocer.

#### PARTNERSHIP DISSOLVED.

**Peter Eaton Coates** and **Wallington Coates**, Stanton Court, Somersetshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Janet Black**, deceased, Edinburgh, poulterer.—**J. M'Lay**, Glasgow, victualler.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Joseph Shepherd**, Liverpool, commission agent, March 7 at 10, County Court of Lancashire, at Liverpool.—**Robt. Lewis Evans**, Liverpool, butcher, March 7 at 10, County Court of Lancashire, at Liverpool.—**Lawrence Holden**, Liverpool, painter, March 7 at 10, County Court of Lancashire, at Liverpool.—**Henry Towler**, Ashton-under-Lyne, Lancashire, manager of the hospital, March 5 at 12, County Court of Lancashire, at Ashton-under-Lyne.—**Thos. Marsh**, Northfleet, Kent, miller, March 12 at 10, County Court of Kent, at Gravesend.—**Edward Terry**, Chudleigh, Devonshire, musician, April 16 at 10, County Court of Devonshire, at Newton Abbot.—**Richard Pearson**, Leamington Priors, Warwickshire, tailor, March 7 at 2, County Court of Warwickshire, at Warwick.—**John Banks**, Leamington Priors, Warwickshire, accountant, March 7 at 2, County Court of Warwickshire, at Warwick.—**John Banvard**, Little Snoring, Norfolk, shoemaker, March 17 at 10, County Court of Norfolk, at Little Walsingham.—**Frederick Welton**, Coventry, Warwickshire, grocer, March 9 at 12, County Court of Warwickshire, at Coventry.—**John Randle**, Foleshill, near Coventry, Warwickshire, retailer of beer, March 9 at 12, County Court of Warwickshire, at Coventry.—**George Wildbore**, Kegworth, Leicestershire, licensed victualler, March 14 at 10, County Court of Leicestershire, at Loughborough.—**William Esley**, Hesley, near Batley, Yorkshire, rag dealer, March 8 at 10, County Court of Yorkshire, at Dewsbury.—**J. Beak**, Temple Cloud, Camely, Somersetshire, butcher, Feb. 26 at 11, County Court of Somersetshire, at Clutton.—**William King**, Reading, Berkshire, chemist, March 10 at 10, County Court of Berkshire, at Reading.—**William Backhouse**, Tadcaster, Yorkshire, attorney's clerk, March 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—**George Carr**, Kingston-upon-Hull, stoker, March 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—**George Thompson**, Dunswell, Yorkshire, farmer, March 11 at 10, County Court of Yorkshire, at Kingston-upon-Hull.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 9 at 11, before the CHIEF COMMISSIONER.*

**William H. Tilbury**, Camden-street North, Camden-town, Middlesex, out of employment.—**Joseph Grimes**, Brick-lane, Spitalfields, Middlesex, chemist.—**Wm. Goffon**, Tothill-st., Westminster, Middlesex, assistant to a pawnbroker.—**George Noble Willcock**, Upper King-street, Old Kent-road, Surrey, furniture broker.

*March 9 at 10, before Mr. Commissioner LAW.*

**Chas. Fitch**, Chester-terrace, Eaton-square, Pimlico, Middlesex, fishmonger.—**Benj. Bayliss**, Goswell-street, St. Luke's, Middlesex, picture-frame maker.

*Saturday, Feb. 19.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

**James Murray**, Park-place-cottages, Peckham, Surrey, lieutenant in the Royal Navy on half-pay, No. 36,329; Samuel Sturgis, new assignee, Thos. Davis, late assignee, deceased.—**Joseph Thornton**, Kirkheaton, near Huddersfield, Yorkshire, innkeeper, No. 75,952 C.; Henry Mills and Robert Tolson, assignees.—**Alexander Brown**, Leeds, Yorkshire, in no business, No. 76,001 C.; James Saville, assignee.—**Wm. Rowe**, Plymouth, Devonshire, woollendrapery, No. 75,887 C.; Henry Lodgard, assignee.—**Joseph Briggs**, Stanley-cum-Wrenthorpe, near Wakefield, Yorkshire, farmer, No. 75,828 C.; Wm. J. Wood, assignee.—**Ottewell Lodge**, Bradford, Yorkshire, tailor, No. 75,369 C.; Alfred Ogden and Jonas Clegg, assignees.—**Wm. Antram**, Brighton, Sussex, carpenter, No. 76,042 C.; Wm. Edwards, assignee.—**Charles Jackson**, Plymouth, Devonshire, out of business, No. 75,877 C.; Edw. Thomas Roe, assignee.

*Saturday, Feb. 19.*

*Orders have been made, vesting in the Provisional Assigns the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Abraham Charl**, Reigate, Surrey, tailor: in the Gaol of Surrey.—**John Lee**, Westbourn-park-place, Paddington, Middlesex, baker: in the Debtors Prison for London and Middlesex.—**John Henry Edwards**, High-street, Woolwich, Kent, grocer: in the Gaol of Surrey.—**Thomas Blackman**, High-street, Southwark, Surrey, grocer: in the Gaol of Surrey.—**G. S. Farrell**, Rydon-street, New North-road, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**H. G. Clarke**, Great Ormond-street, Queen-sq., Middlesex, bookseller: in the Debtors Prison for London and Middlesex.—**Charles Wm. Howell**, George-street, Grosvenor-square, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—**Wm. T. E. Miller**, Plumstead, Kent, clerk in her Majesty's Dockyard, Woolwich: in the Queen's Prison.—**James Scott**, Myrtle-street, Hoxton, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—**Edw. D. Blackburne**, Wood-street, Tabernacle-walk, Finsbury, Middlesex, dairyman: in the Debtors Prison for London and Middlesex.—**James R. Purcell**, Pensonby-terrace, Millbank, Westminster, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Manning Gathercole**, Pitt-street, Commercial-road, Peckham, Surrey, out of business: in the Queen's Prison.—**John Blake Smith**, Plumstead, Kent, baker: in the Debtors Prison for London and Middlesex.—**William James Shirley**, High-street, King'sland, Middlesex, shoe dealer: in the Debtors Prison for London and Middlesex.—**Frederick Steains**, Regent-street, Lambeth, Surrey, corn dealer: in the Debtors Prison for London and Middlesex.—**Geo. Ervaten**, Thoydon Bols, near Epping, Essex, tailor: in the Debtors Prison for London and Middlesex.—**Wm. Cliften**, Stowage, Deptford, Kent, plasterer: in the Debtors Prison for London and Middlesex.—**G. Lidiard**, Seabright-street, Bethnal-green-road, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—**E. Beavis**, Minories, London, cheesemonger: in the Debtors Prison for London and Middlesex.—**Thos. Frederick Beal**,

Salford, Lancashire, lodging-house keeper: in the Gaol of Lancaster.—*B. Bramhall*, Manchester, tailor and draper: in the Gaol of Lancaster.—*Hugh Edwards*, Groesliss, Llanidloes, Montgomeryshire, farmer: in the Gaol of Montgomery.—*Isaac Hogg*, St. Helen's, Lancashire, ironmonger: in the Gaol of Lancaster.—*Joseph Pullan*, Thorntonheights, Thornton, near Bradford, Yorkshire, top manufacturer: in the Gaol of York.—*George P. Swinden*, Liverpool, law stationer: in the Gaol of Lancaster.—*Charles Marshall*, Preston, Lancashire, butcher: in the Gaol of Lancaster.—*John Waring*, Blackburn, Lancashire, builder: in the Gaol of Lancaster.—*John Stoppart*, Dronfield, Derbyshire, tailor: in the Gaol of Derby.—*Joseph Maybury* the younger, Gothersley Mill, Kniver, Staffordshire, agent: in the Gaol of Stafford.—*James Geride*, Rishworth, near Halifax, Yorkshire, publican: in the Gaol of York.—*H. Hirst*, Dewsbury, Yorkshire, grocer: in the Gaol of York.—*Joseph Fell*, Dewsbury, Yorkshire, fruit dealer: in the Gaol of York.—*James Sykes*, Howden Clough, Birstal, near Leeds, Yorkshire, miner: in the Gaol of York.—*George Williams*, Bristol, shipowner: in the Gaol of Bristol.—*Elizabeth Byrne*, widow, St. Sidwell, Exeter, dressmaker: in the Gaol of Exeter.—*Wm. Morgan*, Cheltenham, Gloucestershire, builder: in the Gaol of Warwick.—*Wm. Martindale*, Kirkdale, Liverpool, commercial traveller: in the Gaol of Lancaster.—*John M' Cormack*, Manchester, provision-shop keeper: in the Gaol of Lancaster.—*W. Pope*, Hulme, Manchester, letter-press printer: in the Gaol of Lancaster.—*George Dimond*, Gosport, Southampton, French polisher: in the Gaol of Winchester.—*Thos. Revett*, Upton-place, Commercial-road East, Middlesex, linendraper: in the Gaol of Springfield, Essex.—*Anne Inions*, Hinton, Pontesbury, Shropshire, farmer: in the Gaol of Shrewsbury.—*John Inions*, Habberley, Shropshire, beer-house keeper: in the Gaol of Shrewsbury.—*Samuel Lee*, Thirsk, Yorkshire, shopkeeper: in the Gaol of York.—*Samuel Dodgson*, Sowerby Bridge, near Halifax, Yorkshire, dyer: in the Gaol of York.—*John Davies*, Llanllwchaearn, Cardiganshire, innkeeper: in the Gaol of Cardigan.—*Samuel Clark*, Hadleigh, Suffolk, beer-house keeper: in the Gaol of Ipswich.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

March 8 at 11, before the CHIEF COMMISSIONER.

*Edward Taft*, Great Carlisle-st., Edgeware-road, Middlesex, statutory mason.—*Charles Ubbell*, Great Portland-street, Oxford-st., Middlesex, out of business.

Adjourned Case.

*George Levy*, Newington-causeway, Surrey, out of business.

March 10 at 11, before Mr. Commissioner PHILLIPS.

*Thomas Cross*, Aldermanbury, London, shirt collar manufacturer.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Worcestershire, at WORCESTER, March 5 at 10.

*Henry Cox*, Dudley, accountant.

At the County Court of Warwickshire, at WARWICK, March 7 at 10.

*John Colman*, Birmingham, bricklayer.

At the County Court of Dorsetshire, at DORCHESTER, March 8.

*George Ball*, Cranbourne, out of business.

At the County Court of Warwickshire, at COVENTRY, March 9 at 12.

*James Simons*, Stretton, near Paliton, out of business.—*Richard Self*, Birmingham, out of business.—*T. Chambers*, Birmingham, out of business.—*Tertius J. Cook*, Birmingham, out of business.—*Wm. Jenkins*, Water Orton, farmer.

At the County Court of Berkshire, at READING, March 10 at 11.

*John Harris*, New Windsor, saddler.—*William Cousins*, Clever Green, near Windsor, market gardener.

At the County Court of Essex, at CHELMSFORD, March 10 at 12.

*Thomas Revett*, Upton-place, Commercial-road East, Middlesex, linendraper.—*John Mitchell*, Waltham Abbey, out of business.

At the County Court of Nottinghamshire, at NOTTINGHAM, March 10 at 9.

*Richard Parr*, Nottingham, builder.—*John J. M' Rae*, Newark-upon-Trent, tailor.

At the County Court of Yorkshire, at KINGSTON-UPON-HULL, March 11.

*Joseph Coulson*, Kingston-upon-Hull, butcher.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Robert Cockburn*, Olney, Hertfordshire, gardener: 12s. 9d. in the pound.—*Edward Taylor Weale*, Kingston-upon-Hull, commander in the Royal Navy on half-pay: 7s. 0½d. (making 16s. 3½d.) in the pound.—*John J. H. Lingard*, Trinity-sq., Southwark, Surrey, master in her Majesty's Royal Navy on half-pay: 3s. 6d. (making 20s.) in the pound.—*Rev. Wm. T. Briggs*, Reading, Berkshire, clerk: 9½d. in the pound.—*Thomas S. Davies*, Verandah-cottage, South Charlton, Kent, mathematical master, Royal Military Academy, Woolwich: 3s. (making 9s. 9½d.) in the pound.—*Henry Tyrrell Ryder*, Hatfield-st., Stamford-st., Blackfriars-road, Surrey, carpenter: 7s. 9½d. (making 17s.) in the pound.—*John Seabrook*, Somerset-place, Havel-st., Southampton-st., Camberwell, Surrey, commission agent to a wine merchant: 9d. (making 3s. 3d.) in the pound.—*Christian Von Hagen*, Great Queen-st., Lincoln's-inn-fields, Middlesex, baker: 1s. 11½d. (making 3s. 4d.) in the pound.—*James Law*, Chelsea College, Middlesex, pensioner: 1s. 5½d. in the pound.—*Pownall P. Cotter*, Coburg-place, Old Kent-road, Surrey, master in her Majesty's Royal Navy on half-pay: 1s. 1½d. (making 2s. 3d.) in the pound.—*David Davies*, Upper Seymour-street, Euston-sq., Middlesex, upholsterer: 4s. 10d. in the pound.—*Paul Seavons*, Birmingham, general japanner: 11½d. in the pound.

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# The Jurist

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LONDON, MARCH 5, 1853.

A CASE has recently been decided in the Rolls Court, in which, as it appears to us, the question of costs, in a suit for specific performance, was dealt with not consistently with the authorities. *Collard v. Sampson* (the case to which we allude) was a suit by claim against a purchaser, for specific performance of his agreement to purchase certain leasehold property; and the main question was, whether a power to be exercised "by deed or deeds, writing or writings, under hand and seal," was a testamentary power within the 10th section of the Wills Act, so as to be validly exercised by a will not under seal. The exceptions taken by the defendant to the Master's report in favour of the title were attempted to be sustained, on the ground that the Wills Act did not apply to such a power; or, at all events, that the title was not one which should be forced on a purchaser. His Honor overruled the exceptions, in deference to a decision of Sir J. Wigram in *Budrell v. Blenkhorn*, (5 Hare, 131); but made the decree for specific performance, *without costs*, on the ground that it appeared that a good title was first shewn in the Master's office. On behalf of the vendors, there was an affidavit stating that the grounds on which the Master proceeded in this finding were, that a certain piece of evidence, which was always producible, but had never been asked for by the purchaser, was not, in fact, produced by the vendors until the parties attended before him upon the reference to inquire into the title. The truth of this representation was confirmed by counsel in the cause, who had argued the matter in the

Master's office. Indeed, nobody contradicted it, the well-known facts of the case being, that all the objections taken by the purchaser to the vendors' title were overruled by the Master, but that, owing to the non-production of the last receipt for ground-rent, (which was to be taken as evidence that the covenants in the lease had been observed), he was unable to report that a good title had been shewn prior to the filing of the claim. Under these circumstances it was insisted by the vendors' counsel, on the authority of *Long v. Collier* (4 Russ. 269) and *Holwood v. Bailey*, (Id. 271), that inasmuch as the purchaser might have seen this receipt if he had asked for it, but, instead of doing so, had raised other objections, which had been all overruled, the decree for specific performance ought to be with costs. We humbly conceive that such a decree would have been warranted by both principle and authority, and clearly have met the justice of the case. The recognised principle we apprehend to be, that the costs of a suit should be paid by the party who is unsuccessful on the points litigated in the cause. This seems to be the general rule of all Courts, in the absence of misconduct on the other side. "Parties," said Lord Cottenham, (2 Ph. 545), "may have more or less reason for coming here; but the question is, whether those who are right or those who are wrong are to pay the costs of their so doing. The rule I always act upon is, to order costs to be paid by those who are wrong." Now, in *Collard v. Sampson*, the parties came to the Court to obtain its decision upon certain objections to title, which the purchaser relied on as a defence to a suit for specific performance. Upon

these objections, the report of the Master and the decision of the Court were against him. The production of the last receipt for ground-rent was not a point at issue in the cause. Up to the investigation in the Master's office the receipt was never asked for, and then it was immediately produced. If purchasers, after thus failing in all their objections, are to obtain the costs of the suit because some evidence had not been thrust upon them unasked for, it is easy to see that such parties may, by a mere trick, avoid the just consequences of an unsuccessful contest. What says Lord St. Leonard's on this point? After adverting to the rule, that a seller is liable to the costs up to the time that he shewed a good title, he proceeds, "But the Court will not let this rule operate as a trap for the seller, and, if further abstracts are furnished after the bill is filed, will inquire whether they are material. So as to evidence. But as to evidence, much depends upon the fact, whether further evidence was required by the purchaser." And again: "Where the purchaser might, if he pleased, have had the evidence furnished to him before the bill is filed, although the Master reports that the title was not made out until the evidence was produced, the purchaser will have to pay the costs." And in *Oxenden v. Lord Exmouth* the Court held that the suit became necessary by the improper conduct of the purchaser; and, therefore, the Vice-Chancellor, although he had allowed, as a fact, that the title to a part of the estate was not shewn until after the filing of the bill, yet held, that as the purchaser's misconduct rendered the suit necessary, he must pay all the costs. (3 Sugd. V. & P. 143, 144). Two of the cases cited by Lord St. Leonard's in support of the above propositions were *Long v. Collier* and *Holwood v. Bailey*, which, as above stated, were cited in *Collard v. Sampson*. We submit that they furnished ample authority for what was asked in that case, viz. that the decree for specific performance should have been made against the purchaser, *with costs*.

In a very recent number of this journal we reviewed the latest cases respecting the duration of annuities given by wills, and took occasion to point out the difficulty of applying certain simple and intelligible rules of construction, which have been adopted by the Courts with a view to facilitate the determination of these questions, to the special circumstances of particular cases. (See 16 Jur., part 2, p. 154). Since then the case of *Kerr v. The Middlesex Hospital* (17 Jur., part 1, p. 49) has been before the Courts, and, like the majority of cases upon this subject, affords a striking illustration of difference of judicial opinion upon the proper construction of the language in which bequests of annuities are made. In that case the testator bequeathed as follows:—"I leave all my property, of whatever kind it may be, in England or elsewhere, of which I shall die possessed, to A. B., &c., to hold the same in trust for the following purposes:—I leave to my well-beloved daughter-in-law, Frances Lagier, the sum of 3000*l.*, &c. I leave to her sister, Jane Symes, and the Rev. Mr. Lagier, husband of the aforesaid Frances Lagier, the sum of 1000*l.* each. I desire that my executors shall purchase

*annuities for each of my two sisters, viz. Mrs. Eliza Burns and Mrs. Helen Fitzpatrick, of 100*l.* a year each the said annuities to be purchased in the British funds.*" He then gave several other annuities and legacies, and his will then proceeded:—"I direct my landed property at Otham to be sold by auction, and the produce to go to the carrying out of the aforesaid annuities and legacies; and should the produce of the said sale not be found sufficient for that purpose, I desire that the remainder shall be made up from my personal property." He then directed all his personal estate to be sold, and continued his will thus:—"After the above annuities and all legacies have been paid and effected I desire the remainder of my personal property shall be laid out in the purchase of an annual income in the 3*l.* per cent. Consols, for the benefit of a cancer ward in the Middlesex Hospital, London." The question in the suit, which had been instituted by the executors for the administration of the estate, was, whether the annuities given by the will were perpetual or life annuities. Sir J. Romilly, M. R., before whom the cause was first heard, expressed a very decided and confident opinion that the annuities were only life annuities. He was of opinion that the words of the will admitted of no doubt or ambiguity, and that this was a clear instance of an annuity being given for life only. It seemed to him, that where the produce of a fund producing a perpetual income is given, the annuity is a permanent annuity; but that where an annuity is given to be secured upon a permanent fund, the annuity is only for a person's life. In the case before the Court the subject of the gift was an annuity simpliciter, which, according to a well-established rule, would be only an annuity for life, followed by a direction that it was "to be purchased in the British funds;" but that was not giving the produce of a sum of money in the British funds belonging to the testator to a person for an indefinite period, which was a different thing; it merely described in what manner this annuity, which was an annuity for life, was to be turned into the produce of a fund which did not exist. If the testator had intended to have given the annuitants so much stock as would produce 100*l.* a year, a very different set of words would have been employed, according to the ordinary acceptance of the words used by persons in ordinary parlance. Was this annuity for life, then, to be enlarged into a permanent annuity because it was to be paid out of a permanent income? The learned judge was of opinion it was not, and said that no case that he was acquainted with, or that had been cited to him, amounted to a decision to that effect.

Eliza Burns, one of the annuitants, appealed against this decision, and her case, on appeal, was argued before the full Court, composed of the Lord Chancellor (Lord St. Leonard's) and the Lords Justices (Sir J. L. Knight Bruce and Lord Cranworth). Of these three learned judges no two could absolutely agree as to the proper construction of the language in which the testator had expressed his intentions respecting the duration of the annuities given by his will. Lord Cranworth said, had there been no direction to purchase in the British funds, it was clear that the annuity would have been for the life of the annuitant only, and the question before the Court was, whether the case was altered by the direction that the annuity was "to be purchased in the British funds." He thought not. It appeared to him that the direction might be satisfied by the purchase of a Government annuity. As to the case of *Heron v. Stokes*, (12 Cl. & Fin. 161), which had been relied upon for the appellant, Lord Cranworth did not think it governed the present case. That case depended upon the particular language of the will, which the House of Lords held meant, that what was there given

was such an amount of property as produced 100*l.* a year: the corpus was given, and not merely an annuity; whereas in the present case there was a direction to purchase an annuity, which would be only a gift of an annuity, as distinguished from the gift of a fund producing the amount of the annuity. He, therefore, thought that the decision of the Master of the Rolls was correct. Sir J. L. Knight Bruce, on the other hand, although he would not "insinuate" how he should have been disposed to deal with the present case if that of *Heron v. Stokes* had not existed, felt himself bound to say, upon the authority of that case, that the appellant was entitled to a perpetual annuity.

The Lord Chancellor expressed a clear and confident opinion that the appellant was entitled to a perpetual annuity. "It is undisputed," he said, "that if an annuity be directed to be provided out of the proceeds of property, or out of property generally—if an annuity is to be brought into existence by the application of property, and that is given to a party generally, the party would take the property appropriated to purchase the annuity, and therefore would take the annuity in perpetuity if it were purchased." His Lordship then minutely examined the various parts of the testator's will, and concluded from them that "he never meant that there was to be a continued payment of the annuities, but that his intention was that a certain portion of the produce of his property should be applied to the purchase of annuities for these two ladies in the British funds;" and that this was a case in which the testator has given an annuity, to be purchased out of the produce of his estate, and the rest of his estate was to be applied to another object; therefore the produce of his estate was, in this view, altogether cut off from the rest of the property, and dedicated to this particular purpose. "Well," continued the learned judge, "if an annuity be dedicated to a particular purpose out of a man's estate, I hold it to be clear law that that individual would take the absolute interest, because it is, in effect, a dedication of a portion of the corpus of a man's property to produce the particular benefit." And after stating that he could consider the testator, by a latitude of language, as applying the expression "British funds" to a Government annuity, because a Government annuity was payable out of the Consolidated Fund, and the Consolidated Fund was money raised by the authority of Parliament to pay the British funds themselves, the Lord Chancellor said that the expression "British funds" was used in the testator's will in its ordinary and proper sense, as meaning the public funds of Great Britain—British funds, as contradistinguished from a fund or money raised for the purpose of paying those funds; and that, as a life interest in those funds could not be purchased, the particular amount of stock which would produce, for example, 100*l.* a year, must be bought. When that was bought that was a perpetual annuity. That was the subject which was given to these ladies, so that the testator had directed that to be purchased which would endure perpetually, and had given the subject so directed to be purchased for this lady; without confining her to a life interest.

In the result, therefore, it was held, upon the construction of this testator's will, that he intended to give, or rather had given, the appellant a perpetual annuity of 100*l.*—that is, the sum of 3000*l.* in cash, assuming that to be a sufficient sum of money to purchase such an annuity. Now, if he had intended to do that, why did he not do it in the same way as he had, by an earlier part of his will, left "to his well-beloved daughter-in-law, Frances Lagier, the sum of 3000*l.*?" It seems, that where he intended to give one of his relatives a sum of 3000*l.*, he knew perfectly well how to do it, and did not set about effecting his intention in the extraordinary roundabout way in which the Lord

Chancellor held, with respect to the annuity given to the appellant, he had expressed himself. If he had intended to do the same things by leaving one relative the sum of 3000*l.*, and by directing an annuity of 100*l.* a year to be purchased for another relative, why did he express himself in these very different forms of dispositions? Can any satisfactory reason be assigned for his so doing, or is it not rather evident therefrom that he did not intend to do the same things by these different means?

From the conflict of judicial opinion in this case, it is evident that the testamentary riddle contained in this will is most difficult of solution; and whilst we doubt whether the ultimate determination of this case is consistent with the authorities upon this subject, we entertain no doubt whatever that if the testator could interfere, he would reverse the decision of the Court of Appeal, and maintain that of the Master of the Rolls.

### Reviews.

*Reports of the Decisions of Committees of the House of Commons in the Trial of Controverted Elections during the Fifteenth Parliament of the United Kingdom.* By DAVID POWER, Esq., and HUNTER RODWELL, Esq., Barristers at Law; and EDWARD L'ESTRANGE DEW, Esq., one of the Committee Clerks of the House of Commons. [Stevens & Norton, 1853.]

THIS is a useful book, especially in the present season of plenty as regards election petitions. The cases decided by thirty-three election committees, from 1847 to 1852, are clearly and succinctly reported, while the points are well extracted, in the shape of marginal notes. During the period thus embraced, several important questions of election law were determined, amongst which may be mentioned, "the refusal to open the register for a Scotch county, in *The Peebles-shire case*; the decisions of the Dublin committee upon the Irish franchise; the exact definition of the limits to which a committee will go in opening the English register, as decided in the first *Harwich case*, 1851; and the effect of the disqualification of a candidate for bribery and treating at a former election upon the votes given in his favour at the ensuing election, on which the Cheltenham and Horeham committees came apparently to conflicting decisions. Many resolutions were also come to with respect to the course of practice to be observed on the trial of election petitions, which form valuable precedents for the guidance of future committees." (Pref.)

The reports are diversified and somewhat enlivened by proceedings incident to the anomalous tribunal called an election committee. Thus we find frequent instances of honourable members being taken into the custody of the serjeant-at-arms for not being present for the purpose of being sworn within an hour of the meeting of the house. We learn that a witness who prevaricated was at once given into custody; and that an application was made (but refused) for a Roman Catholic priest to be ordered out of the room, on the ground that his presence might influence the witnesses\*.

In conclusion, it may be observed that there is a very full and well-arranged index to all the points decided. We think, however, that there should have been a table of cases and statutes, and that the different sections of acts of Parliament referred to in argument should have been set out in foot-notes. This has been done in one or two instances, (see p. 73, note (a)), but omitted in others, (see pp. 15, 16, 19, 34, &c.) A further suggestion which we would make is, that references should be inserted in the body of the work to

\* Pp. 20, 42.

the other parts which refer to the same points. Thus, for instance, in the case of *The Borough of Great Yarmouth*, it was decided that where a seat is not prayed, recriminatory evidence is inadmissible, unless for the purpose of impeaching the credit of the witness. The same point was discussed in the case of *The Borough of Lancaster*, (first case), and *The Borough of Bolton case*; and we think there should be references to and from the different pages, (pp. 3, 43, 51), containing these and other matters, in consimili casu.

### London Gazettes.

FRIDAY, FEBRUARY 25.

#### BANKRUPTS.

**GEORGE DANBY**, Wigmore-st., Cavendish-sq., Middlesex, jeweller and watchmaker, March 11 at 2, and April 12 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Jay & Pilgrim, 14, Bucklersbury, Cheapside, London.—Petition filed Feb. 19.

**EDWARD BENJAMIN MAY**, Leicester-sq., and Albion-place East, King's-cross, Middlesex, linendraper, dealer and chapman, March 4 at 12, and April 8 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Overbury, 4, Frederick's-place, Old Jewry.—Petition dated Feb. 22.

**WILLIAM HENRY CHIDWICK**, Dover, Kent, tobacco-nist, dealer and chapman, March 8 at 12, and April 5 at half-past 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Linklater, 17, Sise-lane.—Petition filed Feb. 21.

**THOMAS HOLLAND**, Langhaw, near Godalming, Surrey, manufacturer, dealer and chapman, March 8 and April 5 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed Feb. 24.

**LOUISA COLLIER and MATILDA COLLIER**, Hatton-garden, Middlesex, bookbinders and pocket-book makers, (carrying on business with George Collier, under the firm of George Collier & Son), March 8 at half-past 11, and April 5 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Chippendale, Nicholas-lane.—Petition filed Feb. 19.

**GEORGE TAYLOR BROWN**, Gloucester-terrace, New-road, Whitechapel-road, Middlesex, draper, dealer and chapman, March 7 at 1, and April 6 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., 14, Old Jewry-chambers, City.—Petition filed Feb. 18.

**SAMUEL JONES**, Kildgrove, Wolstanton, Staffordshire, joiner and builder, March 12 and April 2 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Cooper, Tunstall; Hodgson, Birmingham.—Petition dated Feb. 21.

**WILLIAM MAY**, Exeter, linendraper, dealer and chapman, March 4 at 1, and March 30 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Brutton, Exeter; Holmes & Impey, Bedford-row, London.—Petition filed Feb. 22.

**JAMES WHEELER**, Scarborough, Yorkshire, wine and spirit merchant, dealer and chapman, March 11 and April 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Donner & Woodall, Scarborough; Bond & Barwick, Leeds.—Petition dated Feb. 11.

**WILLIAM JAMES**, Waterside North, Lincolnshire, chemist and druggist, oil and colour man, dealer and chapman, March 23 and April 13 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Tweed, Lincoln.—Petition dated Feb. 16.

**THOMAS HODGSON**, Kingston-upon-Hull, shipowner, dealer and chapman, March 23 and April 13 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Ayre, jun., Hull.—Petition dated Feb. 2.

**THOMAS YOUNG**, Sunderland, Durham, shipowner and sail maker, March 9 at 11, and April 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Signal, Durham; Hartley, 6, Southampton-street, Bloomsbury, London.—Petition filed Feb. 21.

**WILLIAM WELLER**, Chatham, Kent, maltster, seedsman, baker, farmer, fruiterer, market gardener, dealer and chapman, March 7 at 2, and April 6 at half-past 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Nichols & Clark, 9, Cook's-court, Carey-street, London.—Petition filed Feb. 24.

#### MEETINGS.

**John Dawson**, Northfleet, Kent, and Mitre-court Chambers, Temple, and Clement's-lane, Lombard-street, London, shipowner and merchant, March 9 at 12, Court of Bankruptcy, London, pr. d.—**Wm. Hatchett Surridge**, Harrow-road, Paddington-green, Paddington, Middlesex, horse dealer, March 12 at 1, Court of Bankruptcy, London, last ex.—**Joseph Nicholson**, Kendal, Westmoreland, drover, March 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Wm. Cooke**, Albert-terrace, Bow, Middlesex, miller, March 9 at 12, Court of Bankruptcy, London, aud. ac.—**R. Eaton Noble**, Down-street, Piccadilly, Middlesex, plumber, March 9 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Henry Stagg**, Croydon, Surrey, grocer, March 7 at 1, Court of Bankruptcy, London, aud. ac.—**Francis Jenkins**, Tysoe-st., Clerkenwell, Middlesex, corn merchant, March 15 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Thomas Crossley**, Noble-street, London, silk warehouseman, March 11 at 11, Court of Bankruptcy, London, aud. ac.; March 18 at half-past 11, div.—**William Gadsby the younger**, Cheetham, Manchester, joiner, March 10 (and not March 17, as before advertised) at 12, District Court of Bankruptcy, Manchester, aud. ac.—**John Smith Dainty and John Ryle**, Manchester, bankers, March 11 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 18 at 12, div.—**Richard Hadland**, St. Helen's, Lancashire, glass manufacturer, March 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Sinclair Porter**, Chester, attorney-at-law, March 7 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**J. Passman**, Stockton-upon-Tees, Durham, currier, March 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Edward Brewster and Edward West**, Hand-court, Dowgate, London, printers, March 22 at half-past 11, Court of Bankruptcy, London, div.—**James Oldham**, Wood-street, London, silk warehouseman, March 19 at 2, Court of Bankruptcy, London, div.—**J. Sewell**, Chatteris, Isle of Ely, Cambridgeshire, money scrivener, March 18 at 1, Court of Bankruptcy, London, div.—**H. Jackson**, Mincing-lane, London, merchant, March 19 at 11, Court of Bankruptcy, London, div.—**Chas. Bunyard**, Mark-lane, London, seedsman, March 18 at 2, Court of Bankruptcy, London, div.—**John Threlfall**, Liverpool, banker, March 18 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Charles Ollivier**, New Bond-st., Middlesex, music seller, March 19 at half-past 11, Court of Bankruptcy, London.—**Patrick Cowan**, Skinner-st., Snow-hill, London, brassfounder, March 21 at 12, Court of Bankruptcy, London.—**J. Banks Nicklin**, Wolverhampton, Staffordshire, ironmonger, April 6 (and not April 7, as before advertised) at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

**Wm. Barleyman**, Feering, Essex, carpenter.—**Wm. Robinson**, Maidstone, Kent, linendraper.—**Richard Eaton Noble**, Down-st., Piccadilly, Middlesex, plumber.—**Joshua Charles Foster**, Club-row, Shoreditch, and New Gloucester-place, Hoxton, Middlesex, timber merchant.—**Geo. Betts**, Swaffham, Norfolk, draper.—**Edw. Wm. Selwood**, Aldersgate-st., London, wholesale milliner.—**Thos. Manley**, Exeter, cattle salesman.—**J. Cridland**, Sidmouth, Devonshire, grocer.—**Richard Jones**, Oswestry, Shropshire, hatter.

#### PARTNERSHIP DISSOLVED.

**Henry Newbon and Chas. Philip Utton**, Noble-street, London, and Gravesend, Kent, attorneys, solicitors, and conveyancers, (under the firm of Newbon & Utton).

#### SCOTCH SEQUESTRATIONS.

**George Knowles**, Aberdeen, fletcher.—**Wm. Jackson**, Leith, builder.



## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Brackenridge*, Liverpool, marble mason, March 7 at 10, County Court of Lancashire, at Liverpool.—*John Chalton Pears*, Liverpool, miller, March 21 at 10, County Court of Lancashire, at Liverpool.—*Wm. Barnes*, Clehonger, Herefordshire, blacksmith, March 17 at 10, County Court of Herefordshire, at Hereford.—*George Holloway*, Petersfield, Southampton, butcher, March 11 at 11, County Court of Hampshire, at Petersfield.—*Henry Millett*, Soberton, Southampton, licensed victualler, March 6 at 11, County Court of Hampshire, at Bishop's Waltham.—*Wm. Kelland*, Kidderminster, Worcestershire, nurseryman, March 16 at 10, County Court of Worcestershire, at Kidderminster.—*John Owen*, Mepal, Isle of Ely, Cambridgeshire, licensed victualler, March 8 at 11, County Court of Cambridgeshire, at Ely.—*William Smith*, West Bromwich, Staffordshire, retail brewer, March 12 at 9, County Court of Staffordshire, at Oldbury.—*William Smith*, West Bromwich, Staffordshire, carpenter, March 12 at 9, County Court of Staffordshire, at Oldbury.—*David Evans*, Chester, commercial traveller, March 11 at half-past 10, County Court of Cheshire, at Chester Castle.—*Joseph Hill*, Dudley, Worcestershire, writing clerk, March 18 at 9, County Court of Worcestershire, at Dudley.—*Michael Pertridge*, Walsall, Staffordshire, awl-blade maker, March 11 at 10, County Court of Staffordshire, at Walsall.—*Samuel Bayley*, Darlaston, Staffordshire, cordwainer, March 11 at 10, County Court of Staffordshire, at Walsall.—*Edmund Dallimore*, Newport, Monmouthshire, beer-house keeper, March 9 at 12, County Court of Monmouthshire, at Newport.—*Geo. Evans*, Codsall, Staffordshire, schoolmaster, March 19 at 9, County Court of Staffordshire, at Wolverhampton.—*J. Robinson Yates*, Wolverhampton, Staffordshire, dealer in manure, March 19 at 9, County Court of Staffordshire, at Wolverhampton.—*Thos. Coombs*, Bicester, Oxfordshire, wheelwright, March 23 at 11, County Court of Oxfordshire, at Bicester.—*William Smith*, Chichester, Sussex, china dealer, March 16 at 11, County Court of Sussex, at Chichester.—*John James Serle*, Caistor, Lincolnshire, shoemaker, March 15 at 11, County Court of Lincolnshire, at Caistor.—*John Parry*, Wern, Llanbeblig, Carnarvonshire, cattle dealer, March 19 at 10, County Court of Carnarvonshire, at Carnarvon.—*George Cox*, Stanford-in-the-Vale, Berkshire, baker, March 17 at half-past 10, County Court of Berkshire, at Farringdon.—*Thomas Suck*, Hooknorton, Oxfordshire, in no business, March 15 at 10, County Court of Oxfordshire, at Banbury.—*Joseph Green*, Sedgley, Staffordshire, butcher, March 18 at 9, County Court of Worcestershire, at Dudley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 11 at 11, before the CHIEF COMMISSIONER.*

*Alfred Perfect*, Upper Gloucester-place, Dorset-square, Regent's-park, Middlesex, surgeon-dentist.

*March 11 at 10, before Mr. Commissioner LAW.*

*Archibald Lockhart*, Waltham, Essex, grocer.—*J. Buscall*, Edward-street, Blackfriars-road, Surrey, upholsterer.

*March 12 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Olive*, Blizzard-place, Fulham-road, Chelsea, Middlesex, cheesemonger.—*George Potter*, Cook's-terrace, St. Pancras-road, Middlesex, plasterer.—*Charles Chapman*, Park-place, Kennington, Surrey, cowkeeper.—*Stephen Thomas*, Richmond-place, Richmond-road, Dalston, Middlesex, commission agent.—*Thomas Spacey* the elder, Brunswick-street, Stamford-street, Blackfriars, Surrey, dealer in horses.

*March 14 at 10, before Mr. Commissioner LAW.*

*William Fey* the elder, Sanning-hill-wells, Sanning-hill, Berkshire, out of business.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 11 at 11, before the CHIEF COMMISSIONER.*

*Thomas M. Lonsdale*, Duke-street, Lincoln's-inn-fields,

Middlesex, cabriolet driver.—*Wm. H. Walsh*, Worship-st., Finsbury, Middlesex, attorney-at-law.—*George T. Steadman*, Nichols-square, Hackney-road, Middlesex, attorney-at-law.—*John Henry Edwards*, High-street, Woolwich, Kent, grocer.—*Jacob Frankenstein*, Brighton-place, New Kent-road, Surrey, and Abchurch-lane, London, shipping agent.—*W. T. E. Miller*, Britannia-cottages, Sandy-hill, Plumstead, Kent, clerk in her Majesty's Dockyard, Woolwich.

*March 12 at 11, before Mr. Commissioner PHILLIPS.*

*Hamlet Harrison*, Nichols-square, Hackney-road, Middlesex, clerk to the Eastern Counties Railway Company.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, March 11 at 11.*

*John Poizer*, Manchester, bedstead maker.—*A. Russell*, Liverpool, foreman to letter-press printers.—*M. A. Moller*, Preston, out of business.—*George B. Scholes*, Hulme, Manchester, tailor.—*D. Selser*, Chorlton-upon-Medlock, Manchester, general factor.—*J. M. Cornwick*, Manchester, grocer.—*Charles Dearden*, Wardle, near Rochdale, out of business.—*John Sheldon*, Hulme, Manchester, brewer.—*T. F. Beales*, Salford, lodging-house keeper.—*Anthony Salthouse*, Blackpool, assistant to a butcher.—*Wm. Hollis*, Salford, Manchester, assistant to a provision dealer.—*Wm. D. Kitchen*, Lane-ends, Tonge-with-Haulgh, Bolton-le-Moors, grocer.—*Chas. Marshall*, Preston, butcher.—*George Gibson*, Bolton-le-Moors, joiner.—*James Bullock*, Manchester, assistant to a cowkeeper.—*A. Wadsworth*, Four-lane-ends, near Blackburn, licensed victualler.—*Manfield Hill*, Salford, engineer.—*Joseph Houldsworth*, Hulme, Manchester, pattern-card maker.—*Thomas Pickford*, Denton, near Manchester, licensed victualler.—*Thos. Wilkinson*, Chorlton-upon-Medlock, stone-mason.—*Agnes Chalmers*, Liverpool, housekeeper.—*James Higginbottom*, Ashton-under-Lyne, skewer maker.—*Thomas Standing*, Manchester, cotton warp beamer.—*W. Harwood*, Manchester, out of business.—*John Bleasdale*, Barnacre-moor, near Garstang, farmer.—*George Challenor*, Brinksway, near Stockport, Cheshire, common carter.—*Miles Holland*, Lancaster, quarryman.—*Isaac Miller*, Duckinfield, Cheshire, cotton spinner.—*John Pearson* the younger, Chorlton-upon-Medlock, builder.—*John Davies*, Glandwyd-farm, near St. Asaph, Flintshire, farmer.—*John Pearson* the elder, Hulme, Manchester, builder.—*James Bickerstaff*, Manchester, cigar manufacturer.—*Wm. Gill*, Manchester, fustian manufacturer.—*Wm. Martindale*, Liverpool, commercial traveller.—*George P. Swinden*, Liverpool, law stationer.

*At the County Court of Glamorganshire, at CARDIFF, March 11.*

*Thomas Evans*, Hirwain, Penderyn, out of business.—*Wm. Lynch*, Caedraw, Merthyr Tydfil, licensed victualler.—*John Allen*, Merthyr Tydfil, accountant.

*At the County Court of Suffolk, at IPSWICH, March 11 at 10.*

*Reuben Whitehead*, Botesdale, farmer.

*At the County Court of Durham, at DURHAM, March 11.*

*John Nicholson*, North Shields, master mariner.—*E. H. Turnbull*, South Shields, grocer.

*At the County Court of Leicestershire, at LEICESTER, March 16.*

*Thomas Collin*, Melton Mowbray, out of business.—*Wm. Hallam*, Belton, agricultural labourer.

*At the County Court of Gloucestershire, at BRISTOL, March 16 at 11.*

*James G. Thomas*, Bristol, shoemaker.—*Edward Wood*, Keynsham, Somersetshire, grocer.—*George Williams*, Bristol, shipowner.

## MEETING.

*William Bartoll Rackham*, East Dereham, Norfolk, attorney-at-law, March 21 at 3, King's Head Inn, East Dereham, Norfolk, sp. aff.



## TUESDAY, MARCH 1.

## BANKRUPTS.

**JAMES KERSLAKE**, Collingwood-street, Blackfriars-road, Surrey, sawyer and timber dealer, March 10 at half-past 11, and April 12 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Here, South-square, Gray's-inn.—Petition filed Feb. 18.

**EDMUND PLUMMER**, Diss, Norfolk, butcher, dealer and chapman, March 11 at half-past 1, and April 15 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hazard & Son, Harleston, Norfolk; White & Borrett, 10, Whitehall-place, Westminster.—Petition filed Feb. 19.

**WILLIAM PRICE**, Bucklersbury, Cheapside, London, eating-house keeper, dealer and chapman, March 15 at half-past 12, and April 13 at 1, Court of Bankruptcy, London: Off. Ass. Stanfeld; Sol. Thompson, 2, Bucklersbury, London.—Petition filed Feb. 25.

**WILLIAM MORTON**, Belgrave-place, Pimlico, Middlesex, bill discounter, dealer and chapman, March 11 at 11, and April 16 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Reed, 63, Coleman-street, City.—Petition dated Feb. 8.

**THOMAS LAMB ATKINSON**, Wood-street, London, linen warehouseman, March 11 at 12, and April 16 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Mason, Moira-chambers, 17, Ironmonger-lane.—Petition dated Feb. 24.

**WILLIAM NESS** and **THOMAS SNOWDON**, Leeds, Yorkshire, tar and naphtha distillers, dealers and chapmen, (trading under the style or firm of Ness & Co.), March 18 and April 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Payne & Co., Leeds.—Petition dated Feb. 22.

**GEORGE NORTH**, Chesterfield, Derbyshire, coal dealer, March 12 and April 16 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Busby, Chesterfield; Messrs. Palmer, 24, Bedford-row, London.—Petition dated Feb. 15.

**JOHN TAYLOR**, Newcastle-upon-Tyne, common brewer, maltster, and porter merchant, dealer and chapman, March 10 at half-past 12, and April 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Hoyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry, London.—Petition filed Feb. 23.

## MARTINGS.

**John James Pearce**, Kenton, Devonshire, baker, March 23 at 11, District Court of Bankruptcy, Exeter, last ex.—**John Wilkinson**, Brymbo, Denbighshire, iron master, April 1 at 11, District Court of Bankruptcy, Liverpool, last ex.—**Chas. Bonyard**, Mark-lane, London, seedsmen, March 11 at half-past 1, Court of Bankruptcy, London, aud. ac.—**James Bate**, New Windsor, Berkshire, builder, March 11 at half-past 1, Court of Bankruptcy, London, aud. ac.—**Charles Lowe Meates**, Conduit-street, Hanover square, Middlesex, grocer, March 11 at 2, Court of Bankruptcy, London, aud. ac.—**Wm. Shoberl**, Great Marlborough-street, and St. John's-wood-terrace, St. John's-wood, Middlesex, publisher, March 15 at 1, Court of Bankruptcy, London, aud. ac.—**Herbert Ashton and Steward Spriggs**, Aldermanbury, London, warehousemen, March 11 at 2, Court of Bankruptcy, London, aud. ac. sep. est. of **Steward Spriggs**.—**Robert Grear**, Bradley-terrace, Wandsworth-road, Surrey, and Long-acre, Middlesex, tallow chandler, March 22 at half-past 11, Court of Bankruptcy, London, div.—**Joseph Beaumont**, Leman-street, Whitechapel, Middlesex, engineer, March 23 at half-past 1, Court of Bankruptcy, London, div.—**William Barleyman**, Feering, Essex, carpenter, March 23 at 2, Court of Bankruptcy, London, div.—**Jas. Keale and Robt. John Bidee**, Riches-court, Lime-street, London, merchants, March 23 at 2, Court of Bankruptcy, London, div.—**Wm. Laween**, Diss, Norfolk, chemist, March 22 at 12, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Henry Stagg**, Croydon, Surrey, grocer, March 23 at 1, Court of Bankruptcy, London.—**M. H. Jacobs**, Great Union-street, Borough-road, Surrey, glass dealer, March 22 at 12, Court of Bankruptcy, London.—**Alexander Mitchell**, Cardiff, Glamorganshire, draper, March 23 at 11, District Court of

Bankruptcy, Bristol.—**Samuel Gubb**, Exeter, innkeeper, March 23 at 11, District Court of Bankruptcy, Exeter.—**Henry Ja Gunning**, Okehampton, Devonshire, surgeon, March 22 at 11, District Court of Bankruptcy, Exeter.

*To be granted, unless an Appeal be duly entered.*

**George Nightingale**, Great Dover-street, Southwark, Surrey, draper.—**John Warren**, George-street, Hanover-square, Middlesex, dentist.—**Wm. Thornton**, St. John's-hill, Battersea-rose, Battersea, Surrey, carpenter.—**Chas. C. C. Geary**, Colchester, Essex, cheesemonger.—**John Grant Menon**, Birmingham, stationer.—**John Askey**, Shelton, Staffordshire, timber merchant.—**Joseph M. Lintock**, Barnsley, Yorkshire, linen manufacturer.—**John Labron**, Leeds, Yorkshire, cloth merchant.

## PETITION ANNULLED.

**Henry Vennall**, Hastings, Sussex, stonemason.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy and have obtained an Interim Order for Protection from Process.*

**Joseph Hilton**, Compton Bishop, Somersetshire, clerk, March 11 at 11, County Court of Somersetshire, at Axbridge.—**J. Corps**, Swathling, South Stoneham, Hampshire, cooper, March 14 at 10, County Court of Hampshire, at Southampton.—**James Carter**, Norwich, policeman, March 23 at 10, County Court of Norfolk, at Norwich.—**Wm. Land**, Norwich publican, March 23 at 10, County Court of Norfolk, at Norwich.—**Samuel Sperry**, Cheltenham, Gloucestershire, cabinet maker, March 29 at 10, County Court of Gloucestershire, at Cheltenham.—**James Anlon**, Keighley, Yorkshire, mechanic, March 23 at 11, County Court of Yorkshire, at Keighley.—**P. Hall**, North Shields, Northumberland, chemist, March 11 at half-past 10, County Court of Northumberland, at North Shields.—**G. Fuller**, Ipswich, Suffolk, tailor, March 11 at 10, County Court of Suffolk, at Ipswich.—**Robert Symonds**, Ipswich, Suffolk, butcher, March 11 at 10, County Court of Suffolk, at Ipswich.—**M. Turner**, Manchester, retail beer-seller, April 4 at 11, County Court of Lancashire, at Manchester.—**John T. Bond**, Manchester, jeweller, April 4 at 11, County Court of Lancashire, at Manchester.—**G. Birch** the younger, Huntingdon, clerk in holy orders, March 15 at 12, County Court of Huntingdonshire, at Huntingdon.—**John Norvill**, Frome, Somersetshire, tanner, March 9 at 11, County Court of Somersetshire, at Frome.—**John Kirby**, Weaverthorpe, Yorkshire, tailor, March 14 at 10, County Court of Yorkshire, at Great Driffield.—**Wm. Coates**, North Shields, Northumberland, publican, March 18 at half-past 10, County Court of Northumberland, at North Shields.—**H. Sarles** the younger, Hastings, Sussex, watchmaker, March 21 at 11, County Court of Sussex, at Hastings.—**Henry Millett**, Soberton, Southampton, out of business, March 16 (and not March 6, as before advertised) at 11, County Court of Hampshire, at Bishop's Waltham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 16 at 11, before the CHIEF COMMISSIONER.*

**John Carter**, Crawley-street, St. Pancras, Middlesex, dealer in tobacco.—**Edw. Bland Carter**, Lower Tottenham, Middlesex, beer-shop keeper.—**Ann Hicks**, Pagoda-terrace, Bermondsey New-road, Surrey, out of business.

*March 16 at 10, before Mr. Commissioner LAW.*

**Peter James Kilminster**, Salisbury-crescent, Agar-town, St. Pancras, Middlesex, plasterer.

*Saturday, Feb. 26.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**James Yates**, Prescott, Lancashire, farmer, No. 76,074 C.; **Francis Tilley**, assignee.—**P. Bridecake**, Leigh, Lancashire, provision-shop keeper, No. 73,776 C.; **John B. Bevington**, assignee.—**Charles A. Parker**, Stanhope-street, Hampstead-

road, Middlesex, in no profession, No. 63,363 T.—*Otto R. Petter*, Gracechurch-st., London, merchant, No. 63,355 T.; John Firminger, assignee.—*Charles Roberts*, Acton, Middlesex, livery-stable keeper, No. 44,853 T.; Samuel Sturgis, new assignee, Richard Smith, removed, and James Turner, deceased.

*Saturday, Feb. 26.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Richard Darter*, President-street West, Goswell-road, St. Luke's, Middlesex, packer at a warehouse: in the Debtors Prison for London and Middlesex.—*Charles James Wilson*, Castle-st., Long-acre, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Wm. Berry*, William-st., York-sq., Commercial-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles Berwick*, Ernest-street, Regent's-park, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Henry Crake*, York-road, Lambeth, Surrey, carver: in the Debtors Prison for London and Middlesex.—*George Hull*, Sussex-street, Tottenham-court-road, Middlesex, cabriolet driver: in the Debtors Prison for London and Middlesex.—*Henry Arnott*, Chichester-street, Harrow-road, Paddington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Alfred Sibrey*, Drury-lane, Middlesex, greengrocer: in the Debtors Prison for London and Middlesex.—*R. Simpson*, Knight's-place, Wandsworth-road, Surrey, baker: in the Gaol of Surrey.—*Arthur Cooper*, Curzon-st., Wenlock-street, City-road, Middlesex, accountant: in the Queen's Prison.—*Wm. Lines*, Stebon-terrace, Whitechapel, Middlesex, ink manufacturer: in the Queen's Prison.—*E. D. Lines*, Leighton Buzzard, Bedfordshire, ink manufacturer: in the Queen's Prison.—*Charles H. Bailey*, Charles-street, Middlesex Hospital, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*James Bickerstaff*, Manchester, cigar manufacturer: in the Gaol of Lancaster.—*John Davies*, Glancwyd-farm, near St. Asaph, Flintshire, North Wales, farmer: in the Gaol of Lancaster.—*Wm. Gill*, Mount Pleasant, Manchester, fustian manufacturer: in the Gaol of Lancaster.—*John Pearson* the elder, Chorlton-upon-Medlock, Manchester, builder: in the Gaol of Lancaster.—*J. Pearson* the younger, Chorlton-upon-Medlock, Manchester, builder: in the Gaol of Lancaster.—*David Selzer*, Chorlton-upon-Medlock, Manchester, general factor: in the Gaol of Lancaster.—*Robert Sutton*, Liverpool, porter: in the Gaol of Lancaster.—*A. Fitton*, Highburton, near Huddersfield, Yorkshire, butcher: in the Gaol of York.—*Thomas Standing*, Manchester, cotton warp beamer: in the Gaol of Lancaster.—*Isaac Miller*, Duckinfield, Cheshire, cotton spinner: in the Gaol of Lancaster.—*G. Challenner*, Brinksway, near Stockport, Cheshire, common carter: in the Gaol of Lancaster.—*James Higginbottom*, Ashton-under-Lyne, Lancashire, bobbin maker: in the Gaol of Lancaster.—*John Bleasdale*, Barnacre Moor-cottage, near Garstang, Lancashire, farmer: in the Gaol of Lancaster.—*W. Harwood*, Manchester, scaleboard cutter: in the Gaol of Lancaster.—*Henry Woodward*, Goss-street, Cheshire, butcher: in the Gaol of Chester.—*Samuel Bobbett*, Shapwick, near Glastonbury, Somersetshire, cordwainer: in the Gaol of Wilton.—*John Guppy*, Catcott Burtle, Moorlinch, near Bridgwater, Somersetshire, superintendent of a farm: in the Gaol of Wilton.—*Wm. Hollis*, Salford, Lancashire, provision dealer's assistant: in the Gaol of Lancaster.—*James Bullock*, Manchester, assistant to a cowkeeper: in the Gaol of Lancaster.—*Thomas Farries*, Preston, Lancashire, accountant: in the Gaol of Lancaster.—*Christopher Robinson*, Chorlton-upon-Medlock, Manchester, plumber: in the Gaol of Lancaster.—*George Gibson*, Little Bolton, Bolton-le-Moors, Lancashire, joiner: in the Gaol of Lancaster.—*Wm. D. Kitchen*, Lane-ends, Tongue-with-Haulgh, Bolton-le-Moors, Lancashire, grocer: in the Gaol of Lancaster.—*Anthony Salthouse*, Blackpool, Lancashire, assistant to a butcher: in the Gaol of Lancaster.—*A. Chalmers*, Liverpool, housekeeper: in the Gaol of Lancaster.—*J. Houldsworth*, Hulme, Manchester, engraver: in the Gaol of Lancaster.—*M. Hill*, Salford, Lancashire, engineer: in the Gaol of Lancaster.—*J. Allen*, Glebeland, Merthyr Tydvil, Glamorganshire, accountant: in the Gaol of Cardiff.—*Miles Holland*, Lancaster, quarryman: in the Gaol of Lancaster.—*Thomas Pickford*, Denton, Manchester, licensed victualler: in the Gaol of Lan-

caster.—*Thos. Wilkinson*, Chorlton-upon-Medlock, Manchester, stonemason: in the Gaol of Lancaster.—*William Bott*, Tardebigg, Worcestershire, grocer: in the Gaol of Worcester.—*Chas. Harding*, Kidsgrove, Woolstanton, Staffordshire, shoemaker: in the Gaol of Stafford.—*Frederick Nevill*, Little Love-lane, Wood-st., London, commission agent: in the Gaol of St. Thomas the Apostle, Devonshire.—*Jos. Newbold*, Birmingham, in no business: in the Gaol of Warwick.—*David Lawford Beans*, Maindee, Christchurch, Monmouthshire, grocer's assistant: in the Gaol of Monmouth.—*William Hill Maunder*, Dalverton, Somersetshire, innkeeper: in the Gaol of St. Thomas the Apostle, Devonshire.—*J. Woolley*, Stoke-upon-Trent, Staffordshire, licensed victualler: in the Gaol of Chester.—*Chas. Tylbury* the younger, Southampton, publican: in the Gaol of Southampton.—*Thos. Bannister*, Smallbridge, near Rochdale, Lancashire, cotton manufacturer: in the Gaol of Lancaster.—*Samuel Day*, Strood, Kent, baker: in the Gaol of Maidstone.—*James Clarkson*, Bradford, Yorkshire, grocer: in the Gaol of York.—*Alfred Greenwood*, Bradford, Yorkshire, beer-seller: in the Gaol of York.—*Benjamin Hemingway*, Dewsbury, Yorkshire, innkeeper: in the Gaol of York.—*Rev. John Starkey*, Westgate, Wakefield, Yorkshire, clerk in holy orders: in the Gaol of York.—*Samuel Beckett*, Macclesfield, Cheshire, out of business: in the Gaol of Chester.—*John Waddington*, Leeds, Yorkshire, joiner: in the Gaol of York.—*John Halliwell*, Hebden Bridge, near Halifax, Yorkshire, grocer: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 15 at 11, before the CHIEF COMMISSIONER.*

*Joseph Cakebread Spurgin*, Leamington, Warwickshire, chemist.

*March 16 at 10, before Mr. Commissioner LAW.*

*James Creamer*, Dale-cottage, York-road, Battersea, Surrey, labourer.

*March 17 at 11, before Mr. Commissioner PHILLIPS.*

*George Smith Farnell*, Rydon-st., New North-road, Islington, Middlesex, shirt maker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, March 15.*

*George Dimond*, Gosport, Southampton, French polisher.

*At the County Court of Shropshire, at SHREWSBURY, March 15 at 10.*

*Ann Inions*, widow, Hinton, Pontesbury, farmer.—*John Inions*, Habberley, out of business.

*At the County Court of Northamptonshire, at NORTHAMPTON, March 16.*

*Joseph Biggs*, Welford, in no business.

*At the County Court of Somersetshire, at TAUNTON, March 17.*

*James Kebby*, Taunton, carrier.—*John Guppy*, Catcott Burtle, Moorlinch, near Bridgwater, superintending a farm.—*Samuel Bobbett*, Shapwick, near Glastonbury, cordwainer.

*At the County Court of Montgomeryshire, at WELSHPOOL, March 17.*

*Hugh Edwards*, Groesness, Llandidloes, farmer.

*At the County Court of Devonshire, at EXETER, March 19 at 10.*

*Wm. Townsend Dance*, Pinhoe, retired captain in the Royal Navy.—*John Fey*, Exeter, carver and gilder.—*George Martin*, Exeter, accountant.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Wm. Finlayson*, Salem-gardens, Mooscow-road, Bayswater, Middlesex, commander in the Royal Navy: 4½d. (making 11½d.) in the pound.—*Isaac Burman*, Charles-street East, Hampstead-road, Middlesex, clerk in the office of Exchequer of Pleas: 2s. 8d. (making 6s. 0½d.) in the pound.—*Geo. Jos. T. Marriott*, New-st., Dorset-square, Marylebone, Middlesex, clerk in the Ordnance-office, Tower: 6s. 6d. (making 13s.) in

the pound.—*Moses Nathan*, Portsmouth, Hampshire, prize agent: 8s. 7½d. in the pound.—*Joseph King*, Hambrook, Gloucestershire, maltster: 1s. 9½d. in the pound.—*Thomas Tybke*, Yantleet Creek, Allhallows, near Rochester, Kent, lieutenant in the Coast Guard Service: 2s. 11½d. (making 4s. 9d.) in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

The Queen has been pleased to appoint Benjamin Boothby, Esq., to be Second Judge of the Supreme Court of the colony of South Australia.

**LAW.**—A Gentleman who has recently been admitted, and has studied under an eminent Conveyancer, is desirous of obtaining an APPOINTMENT as a CONVEYANCING CLERK in a London Solicitor's office. Address A. B., Mr. Boyle's, Law Stationer, 10, Gray's-inn-place, Gray's-inn.

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## LONDON, MARCH 12, 1853.

As this is the time for delivering the gaols throughout the country, we return to a consideration of the recent cases which have been decided with reference to criminal law\*.

Several applications have been made to bail prisoners committed upon a charge of murder; the result of them is, that although the Court of Queen's Bench has power in such cases to admit to bail, yet, in its discretion, it will not do so where the evidence against the accused is sufficient to justify the charge. In *Ex parte Baronnet and Allain* (17 Jur., part 1, p. 184; 1 Pearce's C. C. 51) the application was to admit to bail Etienne Baronnet and Edmond Allain, who had been committed to take their trial, on the coroner's inquisition, for the murder of Monsieur Courmet, caused in a duel near Windsor. It appeared, however, that the accused had acted as seconds, and had confessed their participation in the affair—in other words, confessed that they were guilty of that which the law

regards as murder; and therefore the Court would not grant the application. *Reg. v. Barthelemy and Morney* (17 Jur., part 1, p. 184; 1 Pearce's C. C. 60) was a motion, arising out of the same duel, for the purpose of admitting two of the accused to bail. Here there was no confession by the prisoners, but the Court refused to bail them, on the ground that there was evidence to support the finding of the coroner's jury. In another case (not yet reported) an application to bail a man charged with having committed murder near Stafford was granted, it appearing by the depositions that he was committed only on the accusation of a fellow-prisoner, who had made many contradictory statements with reference to his guilt.

The above cases refer to practice in the criminal law, and under this head we may note *Reg. v. Major*, (1 Pearce's C. C. 13; 21 L. J., M. C., 221). There a defendant was convicted of perjury, upon an indictment removed by himself, by certiorari, into the Court of Queen's Bench, and the prosecutors were held entitled to costs, under the 5 & 6 Will. & M. c. 11, as "parties grieved or injured," although the false swearing failed in its effect, and although the prosecutors were in-

\*The last articles upon this subject will be found in 16 Jur., part 2, pp. 213, 221.

terested only as executors in the suit in which the perjury was committed. Wightman, J., said, "If the perjury has been completed, and may have caused damage to the prosecutors, I think it sufficient . . . . The false affidavit (the perjury complained of) put an obstruction in their way which they were compelled to remove."

In criminal pleading, the case of *Sill v. The Queen*, (1 Pearce's C. C. 132; 22 L. J., M. C., 41) deserves attention, as deciding that an indictment for obtaining goods by false pretences must state the ownership of the goods. The judgment was reversed upon error; but the Court intimated an opinion that the defect might have been remedied at the trial, by amendment under Lord Campbell's Act, 14 & 15 Vict. c. 100, s. 1.

The following cases relate to evidence in criminal law:—Upon an indictment for bigamy, it became necessary to prove a marriage according to the law of Scotland; and a woman, present at the marriage ceremony in Scotland performed in a private house by a minister of a congregation, but whether or not of the kirk she did not know, stated that she herself had been married in the same way; that parties always married in Scotland in private houses; and that the parties, after the ceremony, had lived as man and wife. It was held that her evidence was insufficient to prove the law of marriage in Scotland, or to establish a marriage in fact. (*Reg. v. Povey*, 17 Jur., part 1, p. 120; 1 Pearce's C. C. 32). The Court were of opinion that some person conversant with the law of Scotland as to marriages should have been called, and also some one to shew that a marriage had taken place according to such law.

The question of confessions made under inducement has again been considered in *Reg. v. Moore*, (16 Jur., part 1, p. 621; 21 L. J., M. C., 199\*). The prisoner was indicted for the murder of her child. Her mistress had told her that "she had better speak the truth." In answer, she said she would tell it to the surgeon: the surgeon then came, and she confessed to him, in the presence of her mistress, that she had strangled the child. The Court of Criminal Appeal, after taking time to consider, held that this confession was admissible in evidence. Parke, B., delivering the judgment of the Court, said, "The cases on this subject have gone quite far enough, and ought not to be extended. . . . If the threat or inducement is held out by a person *in authority*, it cannot be received, however slight the threat or inducement; and the prosecutor, magistrate, or constable is such a person, and so the master or mistress may be. . . . But on referring to the cases where the master and mistress have been held to be persons in authority, it will be found that *it is only when the offence concerns the master or mistress, that their holding out the threat or promise renders the confession inadmissible*. . . . In the present case the offence of the prisoner in killing her child was in no way an offence against the mistress of the house."

With regard to the nature of offences, it is larceny to remove the goods of another, for the purpose of inducing him to believe that they belong to a third person, whom he (the true owner) is to pay for them. (*Reg. v. Manning and Smith*, 17 Jur., part 1, p. 28; 1 Pearce's C. C. 21; 22 L. J., M. C., 21). So, a subsequent felonious appropriation of goods is a larceny,

although the first taking was a mere trespass, as the taking of goods by mistake. Thus, where the prisoner, by mistake, drove away with his flock of lambs one of the prosecutor's lambs, and afterwards, on finding out that he had the lamb, immediately sold it as his own, he was held to have been rightly convicted of larceny. (*Reg. v. Riley*, 17 Jur., part 1, p. 189; 1 Pearce's C. C. 149; 22 L. J., M. C., 48). It would be otherwise where the original taking was rightful. It is a misdemeanour at common law to bring a glandered horse into a public place, to the danger of infecting the Queen's subjects; and it is not necessary that the defendant should have known that the glanders was a disease communicable to man. It is sufficient if he knew that the horse was glandered. (*Reg. v. Henson*, 1 Pearce's C. C. 24). Counts in an indictment for *preserving and keeping in possession* obscene prints, with the intent and for the purpose of selling them, and thereby corrupting morals, &c., held insufficient; but other counts, charging that the defendant unlawfully *obtained and procured* obscene prints with a like intent, were held to be good. (*Dugdale v. The Queen*, 1 Pearce's C. C. 64). The Court drew the distinction between a *mere intent*, which does not in our law constitute a crime, and an *act done* towards the completion of an offence.

Two points have just been decided of great importance to conveyancers, and which have not before, we believe, been the subject of a judicial opinion.

The first may be stated broadly thus:—A judgment, unless re-registered, under the provisions of the 2 & 3 Vict. c. 11, s. 4, within five years from the date of its first registration under the 1 & 2 Vict. c. 110, is void as a charge upon the land of the judgment debtor against a subsequent purchaser; so that re-registration after such five years will be of no effect against such a purchaser of the land, although made within five years preceding the purchase, and within twenty years after the entry of the judgment.

The material words of the statute in question are, that all judgments registered under the provisions of the 1 & 2 Vict. c. 110, shall, after the expiration of five years from the date of the entry thereof, be null and void, against lands, tenements, and other hereditaments, as to purchasers, mortgagees, or creditors, unless a like memorandum or minute as was required in the first instance is again left with the senior Master of the Court of Common Pleas within five years before the execution of the conveyance, &c. transferring the legal or equitable right or interest to any such purchaser or mortgagee for valuable consideration, or, as to creditors, within five years before the right of such creditors accrued; and so toties quoties at the expiration of every succeeding five years.

The language of this section is ambiguous: it does not express that the judgment is to be void unless registered every five years after its first registration, but it is to be void at the end of five years from the former registration, as against a purchaser, unless registered within five years *before the conveyance of the lands to him*. We should have thought, and we believe the opinion of many conveyancers to have been hitherto, that a re-registry, at any time within twenty years after the entry of the judgment, would be sufficient to bind a purchaser within five years from such last registration; for the act 2 & 3 Vict. c. 11, was surely never

\* See *Reg. v. Baldry*, cited and commented upon in 16 Jur., part 2, p. 222.

intended to create a new bar to a judgment debt, but only to relieve a purchaser from the necessity of searching the register for more than five years prior to the date of the conveyance to him. Practically, if a purchaser finds a judgment debt registered less than five years ago, he does not inquire whether the registrations have been made every five years since the first; but, according to this view of the statute, such an inquiry might be material; for if any one of the intermediate registrations had been made a day too late, the judgment as against him would be void.

Suppose, for example, a first registration in 1840, a second in 1846, a third in 1849, and a purchase at this time, what conceivable purpose could it answer to make the judgment void against the purchaser because wrongly registered in 1846? He finds the judgment upon the register in 1850: it is not barred by the Statute of Limitations; and we venture to submit that it is an unnecessary hardship upon the judgment creditor to take from him his security as a penalty for what may have been an accidental omission; and that, there being an ambiguity in the statute on this point, it would be more accordant with its spirit to hold that the judgment in such a case was a valid charge against the purchaser of the land.

The other point to which we refer was upon the construction of the 8 & 9 Vict. c. 112, the statute for rendering the assignment of satisfied terms unnecessary. It has been doubted by Lord St. Leonard's (see V. & P. 177; Real Prop. Stat. 288) whether this act gives the protection of a satisfied term, which has been assigned in trust for the vendor, and to attend the inheritance, to a purchaser from him, since the 31st December, 1845. Under the former law, the purchaser, to have the protection of the term, must have taken an assignment or declaration of trust of it in his own favour; or if he did not, the term would be no protection to him against any one claiming a prior interest in the inheritance, and even a subsequent incumbrancer without notice might get in the term, and hold the land during its continuance against a prior mortgagee. Now, the statute, by its title and preamble, declares its object to be to render unnecessary the assignment in future of satisfied terms; and its enactment for this purpose is, that every satisfied term attendant on the 31st December, 1845, shall on that day cease—a provision which, standing alone, not only renders a future assignment unnecessary, but impossible. But there follows a saving, that every such term of years so attendant by express declaration, although it cease, shall afford to every person the same protection as if it had continued to subsist, but had not been assigned or dealt with.

As we have said, the existence of the term, without a fresh assignment, would have been no protection to a purchaser, under the old law, in the case we have supposed; and as the act leaves him expressly in the same position, it would seem to follow, that it affords him no protection; and we fear that the succeeding words of the section, viz. that the term, for the purpose of such protection, is to be considered in every court of law and of equity to be a subsisting term, do not alter this; for the term does not subsist for the purpose of being assigned, and unassigned it can be no protection under the previous provision. However, the same case to which we before alluded (*Freer v. Hesse*, 17 Jur., part 1, p. 177) has decided, that, under the supposed circumstances, the term will be a protection to the purchaser—a decision which is certainly consistent with justice, and is supported by an argument of Mr. Williams, (p. 396 of his accurate little work on the Law of Real Property), but is, as we humbly conceive, not logically deducible from the language of the act on which we have commented here.

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William Henry Palmer, Esq., Bedford-row, London. A. U.  
*Deps.*, Palmer, France, & Palmer, 24, Bedford-row.
- \*Kingston-upon-Hull**—William Hunt Pearson, Esq., Kingston-upon-Hull.  
*Undersh.*, Thomas Holden, jun., Esq., Parliament-street, Kingston-upon-Hull.  
*Deps.*, Hicks & Son, 5, Gray's-inn-square.
- \*Lancashire**—John Talbot Clifton, Esq., Lytham Hall.  
*Undersh.*, Wilson, Son, & Deacon, Preston.  
*Deps.*, Ridsdale & Craddock, 5, Gray's-inn-square.
- Leicestershire**—Frederick Wollaston, Esq., Shenton Hall, near Hinckley.  
*Undersh.*, Stafford S. Baxter, Esq., Atherstone.  
*Deps.*, George J. Robinson, 35, Lincoln's-inn-fields.
- \*Lichfield**—Henry Hall, Esq., Lichfield.  
*Undersh.*, John Philip Dyott, Esq., Lichfield.  
*Deps.*, Baxter, Somerville, & Co., 48, Lincoln's-inn-fields.
- Lincolnshire**—Joseph Livesey, Esq., Stourton Hall.  
*Undersh.*, { Henry Ward, Esq., 51, Lincoln's-inn-fields.  
H. Williams, Esq., Lincoln. A. U.  
*Deps.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand.
- Lincoln**—Benjamin Wilson, Esq., Lincoln.  
*Undersh.*, Richard Mason, Esq., (firm of Mason & Dale), Lincoln.  
*Deps.*, Taylor & Collisson, 28, Great James-street, Bedford-row.
- London**—John Carter, Esq., Cornhill.  
*Undersh.*, Wm. James, Esq., 5, Basinghall-street.  
*Deps.*, James & Potter, Secondaries' Office, Basinghall-street, City.
- Middlesex**—A. A. Croll, Esq., 28, Coleman-street, London.  
*Undersh.*, Thomas M. Cleobury, Esq., 10, Poultry.  
*Deps.*, Burchells & Hall, 24, Red Lion-square.
- \*Monmouthshire**—Henry Bailey, Esq., Nant-y-Glo.  
*Undersh.*, William Woodhouse Secretan J. Woodhouse, Esq., Abergavenny.  
*Deps.*, Gregory & Sons, 12, Clement's-inn.
- \*Newcastle-upon-Tyne**—Henry Ingledew, Esq., Newcastle-upon-Tyne.  
*Undersh.*, William Daggett, Esq., Newcastle-upon-Tyne.  
*Deps.*, Williamson, Hill, & Williamson, 10, Great James-street, Bedford-row.
- Norfolk**—Daniel Gurney, Esq., North Runcton, Lynn.  
*Undersh.*, { Frederick R. Partridge, Esq., Lynn.  
Adam Taylor & Sons, Norwich. A. U.  
*Deps.*, John W. Flower, 17, Gracechurch-street.
- Northamptonshire**—Cary Charles Elwes, Esq., Great Billing.  
*Undersh.*, Henry P. Markham, Esq., Northampton.  
*Deps.*, Frederick Ouvry, 13, Tokenhouse-yard.
- Northumberland**—Walter Selby, Esq., Biddleston.  
*Undersh.*, William Forster, Esq., Alnwick.  
*Deps.*, George Mounsey Gray, 9, Staple-inn.
- \*Norwich**—George Womack the younger, Esq., Norwich.  
*Undersh.*, Arthur Dalrymple, Esq., Norwich.  
*Deps.*, Bircham, Dalrymple, & Drake, 46, Parliament-street.
- Nottinghamshire**—Thomas S. Godfrey, Esq., Balderton.  
*Undersh.*, { G. Tallents, Esq., Newark-upon-Trent.  
J. Brewster, Esq., Nottingham. A. U.  
*Deps.*, Taylor & Collisson, 28, Great James-street, Bedford-row.
- Nottingham**—William Page, Esq., Nottingham.  
*Undersh.*, Christopher Swann, Esq., Nottingham.  
*Deps.*, Holme, Loftus, & Young, 10, New-inn, Strand.
- Oxfordshire**—James Morrell, jun., Esq., Oxford.  
*Undersh.*, John Marriott Davenport, Esq., Oxford.  
*Deps.*, Davies, Son, Campbell, & Hand, 17, Warwick-street, Regent-street.
- Poole**—William Waterman, Esq., Poole.  
*Undersh.*, William Parr, Esq., Poole.  
*Deps.*, Holme, Loftus, & Young, 10, New-inn, Strand.
- Rutlandshire**—John Parker, Esq., Preston, near Uppingham.  
*Undersh.*, William Shield, Esq., Uppingham.  
*Deps.*, Capes & Stuart, 1, Field-court, Gray's-inn.
- Shropshire**—Algernon Chas. H. Percy, Esq., Hodnet Hall.  
*Undersh.*, { J. L. Warren, Esq., Market Drayton.  
J. J. Peele, Esq., Shrewsbury. A. U.  
*Deps.*, Harvey Bowen Jones, 22, Austin-friars.
- Somersetshire**—Francis Henry Dickinson, Esq., Kingweston, near Somerton.  
*Undersh.*, John Nicholls, Esq., South Petherton.  
*Deps.*, Dynes & Harvey, 61, Lincoln's-inn-fields.
- \*Southampton**—William Aldridge, Esq., Southampton.  
*Undersh.*, James Sharp, jun., Esq., Southampton.  
*Deps.*, Trinder & Eyre, 1, John-st., Bedford-row.
- Staffordshire**—Edward Buller, Esq., Dithorn Hall.  
*Undersh.*, Robert William Hand, Esq., (firm of Keen & Hand), Stafford.  
*Deps.*, White & Sons, 11, Bedford-row.
- \*Suffolk**—Right Hon. John Lord Henniker, Thornham Hall, Eye.  
*Undersh.*, { George Lawton, Esq., Eye.  
Jackson, Spark, & Holmes, Bury St. Edmund's. A. U.  
*Deps.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand.
- Surrey**—Thomas Grissell, Esq., Norbury Park, Leatherhead.  
*Undersh.*, Wm. Haydon Smallpiece, Esq., Guildford.  
*Deps.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand.
- Sussex**—Francis Barchard, Esq., Horsted Place, Sussex.  
*Undersh.*, W. Woodgate, Esq., Lincoln's-inn-fields.  
*Deps.*, Palmer, France, & Palmer, 24, Bedford-row.
- Warwickshire**—Sir Wm. Edmund Craddock Hartopp, Bart., Sutton Coldfield.  
*Undersh.*, Thomas Heath, Esq., Warwick.  
*Deps.*, Taylor & Collisson, 28, Great James-street, Bedford-row.
- Westmoreland**—John Wakefield, Esq., Sedgwick House, Kendal.  
*Undersh.*, John Heelis, Esq., Appleby.  
*Deps.*, George M. Gray, 9, Staples-inn, Holborn.
- Wiltshire**—Francis Leyborne Popham, Esq., Chilton.  
*Undersh.*, { T. B. Merriman, Esq., Marlborough.  
W. Awdry, Esq., Chippenham. A. U.  
*Deps.*, Lewis, Wood, & Street, 6, Raymond-buildings, Gray's-inn.
- Worcestershire**—C. Noel, Esq., Bell Hall, near Belbroughton.  
*Undersh.*, { George Croft Vernon, Esq., Hanbury.  
Hyde & Tymbs, Worcester. A. U.  
*Deps.*, Hall & Hunt, 11, New Boswell-court, Carey-street.



- \*Worcester**—Charles Bedford, Esq., Worcester.  
*Undersh.*, Charles Fidcock, Esq., Worcester.  
*Dep.*, Henry Bedford, 4, Gray's-inn-square.
- Yorkshire**—Andrew Montague, Esq., Melton Park, Doncaster.  
*Undersh.*, William Gray, Esq., York.  
*Depts.*, Bell, Broderick, & Bell, Bow-churchyard.
- York**—William Hudson, Esq., York.  
*Undersh.*, Henry Anderson, Esq., High Peter-gate, York.  
*Dep.*, Charles Fiddey, 3, Paper-buildings, Temple.
- NORTH WALES.**
- \*Anglesey**—Richard William Pritchard, Esq., Erianell.  
*Undersh.*, Thomas Owen, Esq., Llangefni.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand.
- Carnarvonshire**—R. V. Wynne Williams, Esq., Llandudno.  
*Undersh.*, David Williams, Esq., Bron Eryri, near Portmadock.  
*Depts.*, M'Leod & Cann, 3, Paper-buildings, Temple.
- Denbighshire**—P. W. Yorke, Esq., Dyffryn Aled, Denbigh.  
*Undersh.*, J. C. Wynne Edwards, Esq., Denbigh.  
*Depts.*, Tooke, Son, & Holland, 39, Bedford-row.
- \*Flintshire**—Whitehall Dod, Esq., Cloverley, Whitechurch.  
*Undersh.*, Arthur Troughton Roberts, Esq., Mold.  
*Dep.*, N. C. Milne, Harcourt-buildings, Temple.
- \*Merionethshire**—Thos. Arthur Bertie Mostyn, Esq., Kylan.  
*Undersh.*, Isaac Gilbertson, Esq., Bala.  
*Depts.*, Holme, Loftus, & Young, 10, New-inn, Strand.
- Montgomeryshire**—John Naylor, Esq., Leighton Hall.  
*Undersh.*, Abraham Howell, Esq., Welshpool.  
*Dep.*, N. C. Milne, Harcourt-buildings, Temple.

#### SOUTH WALES.

- Breconshire**—Wyndham W. Lewis, Esq., Llanthetty Hall.  
*Undersh.*, David Thomas Esq., (firm of Thomas & Banks), Brecon.  
*Dep.*, Henry Hammond, 16, Furnival's-inn.
- Cardiganshire**—Lewis Pugh, Esq., Aberystwith.  
*Undersh.*, F. Rowland Roberts, Esq., Aberystwith.  
*Depts.*, Hawkins, Bloxam, & Hawkins, 2, New Boswell-court, Carey-street.
- \*Carmarthen**—D. Bowen, Esq., Priory-street, Carmarthen.  
*Undersh.*, J. W. Jones, Esq., Quay-st., Carmarthen.  
*Dep.*, Robert Gamlen, 3, Gray's-inn-square.
- Carmarthenshire**—The Hon. William Henry Yelverton, Whitland Abbey.  
*Undersh.*, Thomas Parry, Esq., Carmarthen.  
*Dep.*, E. Towsey, Quality-court, Chancery-lane.
- \*Glamorganshire**—Richard Hill Miers, Esq., Ynispenllwch, near Swansea.  
*Undersh.*, Alexander Cuthbertson, Esq., Neath.  
*Depts.*, Rowland, Hacon, & Rowland, 31, Fenchurch-street.
- \*Haverfordwest**—John Maddocks, Esq., Haverfordwest.  
*Undersh.*, William Davies, Esq., Haverfordwest.  
*Depts.*, Hastings, Best, & Smith, 3, Southampton-street, Bloomsbury-square.
- \*Pembrokeshire**—Adrian N. J. Stokes, Esq., St. Botolphs.  
*Undersh.*, J. Rogers Powell, Esq., Haverfordwest.  
*Depts.*, Trinder & Eyre, 1, John-street, Bedford-row.
- Radnorshire**—Jonathan Field, Esq., Esgairdraillyn.  
*Undersh.*, { W. H. Daubney, Esq., Great Grimsby.  
                   { R. Green, Esq., Knighton. A. U.  
*Depts.*, Taylor & Collisson, 28, Great James-street, Bedford-row.

#### London Gazettes.

FRIDAY, MARCH 4.

#### BANKRUPTS.

- ALBERT MILSTED**, Swansea and Cardiff, Glamorganshire, furrier and hatter, March 12 and April 15 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Lawrence, 12, Bread-street, Cheapside.—Petition dated Feb. 28.
- WILLIAM ROYSTON**, Manchester, builder, dealer and chapman, March 17 and April 7 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Blair, Manchester; Parry, Manchester.—Petition filed March 3.

**STEPHEN JAMES DEAN**, Chelmsford, Essex, leather seller and coal shipper, dealer and chapman, March 15 and April 14 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Hilleary, Fenchurch-street.—Petition filed March 2.

**WILLIAM SHAW**, Lincoln, bookseller, stationer, toyman, and dealer in musical instruments, music, and fancy articles, dealer and chapman, March 22 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Goddard, King-st., Cheapside.—Petition filed Jan. 3.

**JONATHAN ROEBUCK**, Anstonley, Yorkshire, and **ELI ROEBUCK**, Mossley Brow, Ashton-under-Lyne, Lancashire, (heretofore trading with John Roebuck and William Roebuck, as woollen cloth manufacturers, under the style or firm of John Roebuck & Sons, at Bank-end Mill, near Holmfirth, Yorkshire), March 18 and April 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Jacob & Son, Huddersfield.—Petition dated Feb. 23.

**ANTHONY WILLIAM JOHN CAVALIER**, Attercliffe, near Sheffield, Yorkshire, sugar refiner, March 19 and April 30 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sol. Broadbent, Sheffield.—Petition dated Feb. 23.

**JOHN SKIDMORE**, Sutton, near Macclesfield, Cheshire, pasteboard manufacturer, dealer and chapman, March 14 and April 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Vickers & Diggles, Manchester.—Petition filed Feb. 22.

#### MEETINGS.

*Alfred Bunnell*, Bridge-house-place, Newington-causeway, Surrey, window blind manufacturer, March 23 at 12, Court of Bankruptcy, London, last ex.—*John Jackson*, Mark-lane, London, eating-house keeper, March 22 at half-past 12, Court of Bankruptcy, London, last ex.—*Edward Harris Ruddock* and *Henry Edison*, Bradford, Yorkshire, marble masons, March 19 at 12, District Court of Bankruptcy, Sheffield, (and not Leeds, as before advertised), last ex.—*Robt. Grear*, Bradley-terrace, Wandsworth-road, Surrey, and Long-acre, Middlesex, tallow chandler, March 1 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Barleyman*, Peering, Essex, carpenter, March 16 at half-past 1, Court of Bankruptcy, London, aud. ac.—*William Williams*, Harwich, Essex, contractor, March 16 at half-past 1, Court of Bankruptcy, London, aud. ac.—*George B. Costerton*, Great Yarmouth, Norfolk, merchant, March 22 at 12, Court of Bankruptcy, London, aud. ac.—*James H. Bowen*, Yarmouth, Norfolk, fishmonger, March 24 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. J. Bowden*, Ware, Hertfordshire, apothecary, March 17 at 11, Court of Bankruptcy, London, aud. ac.—*Charles Jacob*, Ingram-court, Fenchurch-street, London, merchant, March 18 at 1, Court of Bankruptcy, London, aud. ac.—*Patrick Cowan*, Skinner-st., Snow-hill, London, brassfounder, March 21 at 12, Court of Bankruptcy, London, aud. ac.—*Francis Paynter*, Penzance, Cornwall, attorney, March 17 at 1, District Court of Bankruptcy, Exeter, aud. ac.: March 30 at 11, div.—*Thomas Gundry* and *John Gundry*, Goldsmithney, Cornwall, merchants, March 17 at 1, District Court of Bankruptcy, Exeter, aud. ac. joint est. and sep. est. of *J. Gundry*: March 31 at 1, div. sep. est. of *J. Gundry*.—*Samuel Gubb*, Exeter, innkeeper, March 18 at 1, District Court of Bankruptcy, Exeter, aud. ac.: March 31 at 1, div.—*John C. R. Weguelin*, Shaldon, Devonshire, out of business, March 22 at 11, District Court of Bankruptcy, Exeter, aud. ac.—*Thomas Manley*, Exeter, dealer in wool, March 18 at 1, District Court of Bankruptcy, Exeter, aud. ac.: March 31 at 1, div.—*Thos. E. Williams*, Exeter, wine merchant, March 17 at 1, District Court of Bankruptcy, Exeter, aud. ac.: March 30 at 11, div.—*Richard Jones*, Oswestry, Shropshire, hatter, March 23 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Donald Maclean*, Upper Brook-st., Grosvenor-sq., Middlesex, and Witton Castle and Woodhouse Close Colliery, near Bishop Auckland, Durham, brickmaker, April 14 at 2, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be granted, unless an Appeal be duly entered.*

*Thomas Severs*, Basinghall-st., London, woollen warehouseman.—*Bethel Ware*, Tottenham-court-road, Middlesex, straw bonnet manufacturer.—*Thos. P. Wills*, Portsea, Hampshire, brewer.—*Thomas Corby*, Lower Eaton-st., Pimlico, Middlesex, builder.—*Charles Rhodes*, Terrace, Kensington, Middle-



sex, milliner.—*Robert Mitchell*, Walthamstow, Essex, baker.—*Moses Lockwood*, Wandsworth, Surrey, grocer.—*Alfred Lyon*, Saffron Walden, Essex, draper.—*John James K. Boots*, Branton's-wharf, Commercial-road, Middlesex, manufacturing chemist.—*Wm. Tanner*, Alcester, Warwickshire, draper.

#### SCOTCH SEQUESTRATIONS.

*Peter M'Leod*, Edinburgh, spirit dealer.—*John Dobbie*, Bannockburn, manufacturer.—*Alexander Gall*, dec., Broughty Ferry, Forfarshire, fisher.—*Thomas and George Watson*, Portobello, Edinburgh, grocers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Dixon*, Liverpool, shopman to a grocer, March 21 at 10, County Court of Lancashire, at Liverpool.—*Joseph Tilley*, Liverpool, beer seller, March 21 at 10, County Court of Lancashire, at Liverpool.—*Joseph Pritchard*, Liverpool, master cooper, March 21 at 10, County Court of Lancashire, at Liverpool.—*Henry Crockett*, Birmingham, butcher, April 16 at 10, County Court of Warwickshire, at Birmingham.—*J. Holland*, Birmingham, silk dyer, April 16 at 10, County Court of Warwickshire, at Birmingham.—*John Osborne*, Birmingham, oil and colour man, April 16 at 10, County Court of Warwickshire, at Birmingham.—*Thomas Francis George Harper*, Birmingham, boot and shoe maker, April 16 at 10, County Court of Warwickshire, at Birmingham.—*William Owen*, Birmingham, provision dealer, April 16 at 10, County Court of Warwickshire, at Birmingham.—*Joseph Whitmore*, Manchester, auctioneer, March 12 at 10, County Court of Warwickshire, at Birmingham.—*James Noon*, Birmingham, out of employ, April 16 at 10, County Court of Warwickshire, at Birmingham.—*Daniel Jeffs*, Gloucester, tidewater, March 31 at 10, County Court of Gloucestershire, at Gloucester.—*Ann Suckling*, Bocking, Essex, plumber, March 28 at 12, County Court of Essex, at Braintree.—*John Fisher*, Arden's Grafton, Temple Grafton, Warwickshire, tailor, March 17 at half-past 10, County Court of Warwickshire, at Stratford-on-Avon.—*Byam Hewes* the younger, Colchester, Essex, miller, March 21 at 12, County Court of Essex, at Colchester.—*James Gabel*, Hanslope, near Newport Pagnell, Buckinghamshire, grocer, March 21 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*John Sansom*, Hanslope, Newport Pagnell, Buckinghamshire, veterinary surgeon, March 21 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*W. Dawson*, Oxford, leather cutter, March 21 at 11, County Court of Oxfordshire, at Oxford.—*W. Stetcher*, Bedford, shoemaker, March 18 at 2, County Court of Bedfordshire, at Bedford.—*Robert Wilkinson*, Bradford, Yorkshire, out of business, March 19 at 11, County Court of Yorkshire, at Bradford.—*Richard Smith Collier*, Gloucester, plasterer, March 31 at 10, County Court of Gloucestershire, at Gloucester.—*Frederick Maynard Colchester*, Gloucester, tailor, March 31 at 10, County Court of Gloucestershire, at Gloucester.—*Thos. Lowney*, Leydown, Isle of Sheppey, Kent, victualler, March 22 at 10, County Court of Kent, at Sheerness.—*Robert Davis*, Bath, Somersetshire, marble mason, March 19 at 11, County Court of Somersetshire, at Bath.—*James Taylor*, Bath, Somersetshire, tailor, March 12 at 11, County Court of Somersetshire, at Bath.—*Richard Sidwell*, Bath, Somersetshire, stationer, March 12 at 11, County Court of Somersetshire, at Bath.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 18 at 10, before Mr. Commissioner LAW.*

*Wm. Sherrard*, Fashion-st., Brick-lane, Spitalfields, Middlesex, grocer.

*March 19 at 11, before Mr. Commissioner PHILLIPS.*

*Levi Harold Leigh*, Epsom, Surrey, dyer.—*Jas. Edcombe*, Frith-st., Soho, Middlesex, shoemaker.—*Alfred James Beale*, Thomas-street, Brick-lane, Bethnal-green, Middlesex, wood carver.—*Henry Richard French* the elder, Bucks Cross, Chesham, near Bromley, Kent, carpenter.—*Charles Simpson Maekin*, Tennyson-st., York-road, Lambeth, Surrey, lodging-house keeper.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 18 at 11, before the CHIEF COMMISSIONER.*

*James Coe*, Hartland-road, Hampstead-road, Middlesex, out of business.

*March 19 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Edwards*, Penton-street, Pentonville, Middlesex, beer-house keeper.—*John Blake Smith*, Parry-place, Plumstead, Kent, baker.—*Christopher Martin*, Essex-street, Mare-street, Hackney, Middlesex, out of business.—*James Russell Purcell*, Ponsonby-terrace, Millbank, Westminster, Middlesex, appraiser.

*March 21 at 11, before the CHIEF COMMISSIONER.*

*William James Shirley*, High-street, King'sland, Middlesex, out of business.—*Richard Darter*, President-street West, Goswell-road, St. Luke's, Middlesex, packer at a warehouse.—*Charles Barwick*, Ernest-street, Regent's-park, Middlesex, out of business.

*March 21 at 10, before Mr. Commissioner LAW.*

*William Edwards*, Cross-street, Hatton-garden, Middlesex, out of business.—*Robert Lee*, Bayst terrace, Bethnal-green, Middlesex, silk manufacturer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, March 9 at 10.*

*Joseph Maybury* the younger, Gothersley, Kinver, manager for the Gothersley and Pontypool Iron and Tin-plate Company.

*At the County Court of Devonshire, at EXETER, March 19 at 10.*

*Frederick Nevill*, Little Love-lane, Wood-street, Cheap-side, London, commission agent.—*W. Hill Maumder*, Dulverton, Somersetshire, out of business.

*At the County Court of Yorkshire, at YORK, March 21.*

*Thomas Dawson*, Scholes, near Aberford, cattle jobber.—*Samuel Dodgson*, Friendly Hollings Mill, Warley, Sowerby-bridge, near Halifax, dyer.—*Joseph Fell*, Dewsbury, fruit dealer.—*Robt. Newsam*, Kirbymoorside, baker.—*J. Catherall*, Holbeck, near Leeds, bricklayer.—*Joseph Pullan*, Thornton Heights, Thornton, near Bradford, assistant to a top manufacturer.—*John Spencer*, Thornton Heights, Thornton, near Bradford, out of business.—*Benjamin Hemingway*, Dewsbury, innkeeper.—*Abel Fitton*, Highburton, near Huddersfield, butcher.—*Samuel Lee*, Thirsk, confectioner.—*Jas. Garride*, Rushworth, near Halifax, out of business.—*James Sykes*, Holden Clough, Birstal, near Leeds, coal miner.—*H. Hirst*, Dewsbury, out of business.—*J. Waddington*, Leeds, joiner.—*J. W. Marsden*, Low Moor, near Bradford, out of business.—*W. Shaw*, Meltham, near Huddersfield, out of business.

*At the County Court of Derbyshire, at DERBY, March 26.*

*John Stoppard*, Dronfield, tailor.—*Peter Frith*, Staveley, shoemaker.

## TUESDAY, MARCH 8.

### BANKRUPTS.

**MORRIS HARRIS**, Regent-st., Middlesex, furrier, dealer and chapman, March 12 at 2, and April 23 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury, London.—Petition dated March 1.

**JOHN M'LACHLAN**, Spital-square, Norton Folgate, Middlesex, auctioneer, March 12 and April 23 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. W. J. & G. Boulter, Northampton-square, Clerkenwell.—Petition dated March 4.

**WILLIAM WEST** and **JOHN WEST**, Donnington, Lincolnshire, linendrapers and grocers, March 21 at 1, and April 19 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Heather & Moger, 17, Paternoster-row, London.—Petition filed March 2.

**ALFRED PLATTS**, Sheffield, Yorkshire, tailor and draper, March 19 and April 30 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Freeman; Sol. Chambers, Sheffield.—Petition dated March 4.

JOHN WELLS, Bold-place, Marlborough-road, Queen's-road, Dalston, Middlesex, builder, dealer and chapman, March 16 at 2, and April 20 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Ashley, 5, Charles-sq., Hoxton.—Petition filed March 8.

JOSEPH SYMES, Queen's-buildings, Knightsbridge, Middlesex, cheesemonger, dealer and chapman, March 22 at 1, and April 19 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Sturmy & Co., 14 A, Philpot-lane, Eastcheap, London.—Petition filed March 3.

RICHARD WHITE, Birmingham, cut nail manufacturer, dealer and chapman, March 19 and April 9 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Standbridge, Birmingham.—Petition dated March 4.

ROBERT CARR, Holyhead, Anglesea, licensed victualler, shipbuilder, and coal dealer, March 14 and April 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Caze-nore; Sol. Yates, jun., Liverpool.—Petition filed Feb. 23.

HUGH HENRY ROSS, Liverpool, draper, dealer and chapman, March 18 and April 14 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Sale & Co., Manchester.—Petition filed Feb. 25.

#### MEETINGS.

Charles Godden, Cropley-street, New North-road, Hoxton, Middlesex, furniture broker, March 19 at 12, Court of Bankruptcy, London, aud. ac.—James Barten, Sutton Valence, Kent, brewer, March 19 at 12, Court of Bankruptcy, London, aud. ac.—Henry Jackson, Mincing-lane, London, merchant, March 18 at 1, Court of Bankruptcy, London, aud. ac.—Wm. Green, Harrow-road, Middlesex, builder, March 19 at 12, Court of Bankruptcy, London, aud. ac.—Frederick Price, Bristol, trimming dealer, March 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.—John S. Leake, Wheelock, Sandbach, Cheshire, salt merchant, March 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Francis Tandy, Stourbridge, Worcestershire, and Brierly-hill, Staffordshire, ironmonger, April 4 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—Joseph Wilson and Charles Penny Woods, Kingston-upon-Hull, and Great Grimsby, Lincolnshire, brass founders, March 30 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and div.—Arthur Youle Barrett, Horncastle, Lincolnshire, engineer, March 30 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and div.—Joseph Loader, Pavement, Finsbury, London, upholsterer, April 1 at 1, Court of Bankruptcy, London, div.—Wm. Noble, Charles-street, St. George's-in-the-East, Middlesex, wholesale stay manufacturer, April 1 at 12, Court of Bankruptcy, London, div.—C. Pretty, Leicester, grocer, April 1 at 10, District Court of Bankruptcy, Nottingham, div.—Henry Thompson, Belper, Derbyshire, draper, April 1 at 10, District Court of Bankruptcy, Nottingham, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

A. Peckitt, Brighton, Sussex, brickmaker, March 31 at 2, Court of Bankruptcy, London.—Robert Tate the younger, Uxbridge, near Hillingdon, Middlesex, miller, March 30 at 12, Court of Bankruptcy, London.—Thomas Speed the elder, Liverpool, butcher, March 31 at 11, District Court of Bankruptcy, Liverpool.—Wm. Dowling, Leicester, grocer, April 1 at 10, District Court of Bankruptcy, Nottingham.

To be granted, unless an Appeal be duly entered.

John Fowler, Bristol, and Westbury-upon-Trym, Gloucestershire, builder.—W. Edwards, Brighton, Sussex, carpenter.—F. Pearson, Liverpool, painter.—Richard Bell, Liverpool, merchant.—John Ford and J. A. Hadfield, Glossop, Derbyshire, paper manufacturers.—George Fielder, Dobcross, Sadlerworth, Yorkshire, woolstapler.—David Sutherland, Preston, Lancashire, seed merchant.—John Atkinson, Kingston-upon-Hull, seed crusher.—Joseph Holroyd, Dalton, near Huddersfield, Yorkshire, cotton dyer.

#### PETITION SUPERSUED.

Talib Bokhal, Mansell-street, Goodman's-fields, Middlesex, and Mogadore and Ribat, Africa, merchant.

#### PARTNERSHIP DISSOLVED.

Wm. Brodick and Wm. Bell, Bow-churchyard, London, stories and solicitors, (under the style or firm of Bell, Brodick, & Bell), by the retirement of Wm. Brodick.

#### SCOTCH SEQUESTRATIONS.

Wm. Gray, Portobello, Edinburgh, grocer.—D. Anderson, Glasgow, painter.—John Kimbrough, Kirkintilloch, manufacturer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Francis Higgins, Liverpool, ironmonger, March 21 at 10, County Court of Lancashire, at Liverpool.—Samuel Brooks, Fulbourn, Cambridgeshire, labourer, March 21 at 10, County Court of Cambridgeshire, at Cambridge.—Thomas John Bell, Cambridge, licensed victualler, March 21 at 10, County Court of Cambridgeshire, at Cambridge.—Evan Evans, Macclesfield, Cheshire, joiner, March 24 at 11, County Court of Cheshire, at Macclesfield.—Jemima Thame, Buckingham, milliner, March 28 at 11, County Court of Buckinghamshire, at Buckingham.—Charles Looker, Farnham Royal, Buckinghamshire, grocer, March 15 at 10, County Court of Berkshire, at Windsor.—Wm. Wright, Long Sutton, Lincolnshire, farmer, March 24 at 11, County Court of Lincolnshire, at Holbeach.—William Hammond, Cambridge, dealer in hay, March 21 at 10, County Court of Cambridgeshire, at Cambridge.—Francis Jelley the elder, Stamford, Lincolnshire, grocer, March 21 at 10, County Court of Lincolnshire, at Stamford.—F. Fox the younger, Woodbridge, Suffolk, grocer and mail contractor, March 19 at 10, County Court of Suffolk, at Woodbridge.—Edward Cutler, Little Gaddesden, Hertfordshire, grocer, March 14 at 11, County Court of Buckinghamshire, at Chesham.—Thos. M' Loughlin, Astbury, Cheshire, farmer, March 22 at 12, County Court of Cheshire, at Congleton.—John Bryant, Bridgwater, Somersetshire, coal dealer, March 19 at 10, County Court of Somersetshire, at Bridgwater.—Andrew Currie, Carlisle, Cumberland, cattle dealer, March 21 at 10, County Court of Cumberland, at Carlisle.—George Peacock, Newcastle-upon-Tyne, merchant, March 24 at 10, County Court of Northumberland, at Newcastle.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

March 22 at 11, before Mr. Commissioner PHILLIPS.

John George Mayer, Charlotte-street, Rathbone-place, St. Pancras, Middlesex, furrier.—J. Marshall, Frederick-street, Neekenger-road, Bermondsey, Surrey, out of business.

Saturday, March 5.

An Assignee has been appointed in the following Case. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.

Jas. Thompson, Lanchester, Durham, druggist, No. 75,947 C.; Thomas Henry Boyd, assignee.

Saturday, March 5.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

William Ellard, Union-terrace, Camden-town, Middlesex, builder: in the Debtors Prison for London and Middlesex.—Joseph Ansell, New-road, St. George's-in-the-East, Middlesex, licensed hawk: in the Debtors Prison for London and Middlesex.—George Isaac Cooke, New Crane, Shadwell, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—Cesar Camille Barrabé, Regent-street, Middlesex, clerk to a merchant: in the Debtors Prison for London and Middlesex.—Alfred John Swift, Oxford-terrace, Hyde-park, Middlesex, out of business: in the Queen's Prison.—Catherine Holebrook, Hatton-garden, Middlesex, out of business: in the Queen's Prison.—Adolphus William Chickester, Cumberland-street, Hyde-park, Middlesex, in no business: in the Queen's Prison.—Henry Frederick Holmes, Providence-place, Canal-road, Mile-end, Middlesex, dairyman: in the Debtors Prison for London and Middlesex.—Jesse Smith, Wellington-street, Old Ford-road, Bethnal-green, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—Charles Thomas Webb, Denbigh-street, Pimlico, Middlesex, wine agent: in

the Debtors Prison for London and Middlesex.—*Robt. Wall*, Wood's-place, Shepherd's-bush, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Thomas Miles*, Hill-street, Walworth, Surrey, teacher of music: in the Gaol of Surrey.—*Thomas Dunnell*, Princes-street, Rotherhithe, Surrey, ship owner: in the Queen's Prison.—*C. Brock*, Talbot-terrace, Clarendon-road, Notting-hill, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*James Cochrane*, Princes-street, Upper Stamford-street, Blackfriars-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*William Dennitt*, Tottenham, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Henry Randel*, Hanbury and Hadzer, Worcestershire, coal dealer: in the Gaol of Worcester.—*R. Johnson*, Haddenham, Isle of Ely, Cambridgeshire, farmer: in the Gaol of Cambridge.—*E. Hindle*, Bradford, Yorkshire, stuff manufacturer: in the Gaol of York.—*William Clough*, Gannow-lane-head, near Burnley, Lancashire, draper: in the Gaol of Lancaster.—*John Greenwood*, Burnley, Lancashire, greengrocer: in the Gaol of Lancaster.—*John Gillott*, Gleadless, near Sheffield, Yorkshire, commission agent: in the Gaol of York.—*J. Watson*, Carlisle, Cumberland, labourer: in the Gaol of Carlisle.—*Peter Cheer*, Manchester, machine maker: in the Gaol of Manchester.—*Edward Orton Parkinson*, Dover, Kent, of no profession: in the Gaol of Dover.—*Richard Wyckley*, Smethwick, Staffordshire, carpenter: in the Gaol of Stafford.—*Henry Harrison Green*, Kingston-upon-Hull, ship builder: in the Gaol of Kingston-upon-Hull.—*George Hall*, Southgate-st., Gloucestershire, dealer in hay: in the Gaol of Gloucester.—*Eliza Hollingworth*, Leeds, Yorkshire, licensed victualler: in the Gaol of York.—*Samuel Metcalf*, New Wortley, near Leeds, Yorkshire, commission agent: in the Gaol of York.—*John Ward*, Batley, near Dewsbury, Yorkshire, shopkeeper: in the Gaol of York.—*Edward Taylor*, Salford, Lancashire, joiner: in the Gaol of Lancaster.—*William Deakin*, King's Heath, near Birmingham, builder: in the Gaol of Coventry.—*James Swinfield*, Birmingham, bricklayer: in the Gaol of Coventry.—*Henry Browne*, Manchester, veterinary surgeon: in the Gaol of Lancaster.—*James Farmer*, Wigan, Lancashire, provision dealer: in the Gaol of Lancaster.—*J. Scholes*, Crumpsall, near Manchester, out of business: in the Gaol of Lancaster.—*Jas. Woolfall*, Blackburn, Lancashire, plumber: in the Gaol of Lancaster.—*Wm. Plastow*, Great Coggeshall, Essex, seed grower: in the Gaol of Springfield.—*Edmund Trory*, Norwich, confectioner: in the Gaol of Norwich.—*John Ashley*, Regent-st., Middlesex, joiner: in the Gaol of St. Thomas the Apostle, Devonshire.—*Wm. Fulford*, Sowton, Devonshire, miller: in the Gaol of Exeter.—*Enoch Baddeley*, Norton, Staffordshire, farmer: in the Gaol of Stafford.—*Wm. Clarke Henshaw*, Northampton, poulterer: in the Gaol of Northampton.—*William Lindsey* the younger, Lichfield, tailor: in the Gaol of Coventry.—*Thomas Peake*, Starston, Norfolk, farmer: in the Gaol of Norwich.—*George Wilde*, Merthyr Tydvil, Glamorganshire, pawnbroker: in the Gaol of Cardiff.—*John Rowcroft Macfarlane*, Manchester, manufacturing chemist: in the Gaol of Lancaster.

(On Creditor's Petition.)

*Thos. Howell*, Heathfield, Sussex, farmer: in the Gaol of Lewes.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

March 22 at 11, before the CHIEF COMMISSIONER.

*Wm. Chapman*, Blackfriars-road, Christchurch, Surrey, out of business.

March 22 at 10, before Mr. Commissioner LAW.

*Abraham Chart*, Reigate, Surrey, tailor.

March 22 at 11, before Mr. Commissioner PHILLIPS.

*George Hull*, Tottenham-court-road, Middlesex, cabriolet driver.—*Wm. Berry*, William-st., Henry-st., York-square, Commercial-road East, Middlesex, out of business.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Cambridgeshire, at CAMBRIDGE, March 21 at 10.

*Thomas Allen Stubbing*, Radwinter, Essex, farmer.—*R. Johnson*, Haddenham, farmer.

At the County Court of Norfolk, at NORWICH, March 21 at 10.

*John Robinson* the younger, King's Lynn, baker.—*Edmund Trory*, Norwich, confectioner.

At the County Court of Kent, at DOVER, April 1 at 10. *Edward Orton Parkinson*, Dover, in no profession.

INSOLVENT DEBTOR'S DIVIDEND.

*Thomas Lane Robert Peirce*, Aldersgate-st., London, out of business, Prall's, Chatham, Kent: 5s. 10d. in the pound.

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# The Jurist

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LONDON, MARCH 19, 1853.

THE system of law reporting in this country has long been in a state not in harmony with the wants and wishes of the Profession. The immense quantity of business disposed of has greatly increased the extent of the productions of each reporter; and as regards the Court of Chancery, the increased number of the courts has also increased the number of reports. The very high price, too, which has hitherto been placed upon what are termed the regular reports, has brought into existence publications such as this and the Law Journal, besides a multitude of others of a different class; and the result of the whole is, that the Profession is flooded with reports, the regular reports being too expensive to be accessible to many, and too bulky and numerous to be read by those who can afford to pay for them. Nevertheless, the system would probably have continued unaltered for many years at least, had it not been for a certain prospectus or proclamation lately issued by the principal houses engaged in publishing reports, which has roused into activity all the reforming feelings of the Profession, and produced a state of things in which it becomes necessary that the system of reporting should at once undergo some change. What the change will be is not easy to foresee; what it ought

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to be, or at least the principles on which it ought to be effected, we propose here very shortly to suggest, for which purpose the causes of the vice pervading the existing system must be considered.

Now, it is very common to impute to the reporters one acknowledged fault of law reports, viz. the accumulation of cases more or less deficient in establishing any great or new principle; in a word, of cases more or less sterile of important information. But the root of this fault lies much deeper; it lies in the habit of English lawyers, judges as well as counsel, relying too much on precise precedent, and not on principle. Judges are glad to be relieved from the difficulty of applying legal principles, by leaning upon a previous decision; hence counsel are afraid to trust to an argument founded on principle, and are perpetually in search of a case in point, which will secure the decision of the judge; and hence reporters are driven to publish cases, not on the principle of rejecting all those that have not a *great deal* in them, but of adopting all those that have *anything* in them. This redundancy, then, can only be cured by the adoption of a different rule of argument at the Bar, and of decision on the Bench; for it would be idle, while the Bar are perpetually crying out for cases in point, to expect the reporters, who are the servants, not the mentors of the Bar, to abstain from

supplying them with more or less of indiscrimination, because with more or less of doubt whether what they themselves may think unimportant, will be so thought by their readers.

But the great complaint is of the quantity of separate reports, and the great expense of them, separately and collectively. This is a fault imputed usually to the publishers. How far that is so, we shall offer no opinion. Whether the expense, at least, arises from a too luxurious style of publication—whether from an immoderate gain secured to those who publish—we have no means of knowing, or of forming any opinion. If it results from either of those causes, wholly or partially, it is, of course, capable of cure without external aid; but if, as we conceive, it arises partly at least from the loose, unorganised mode in which the reporting body is constituted, and the total abstinence from interference of anybody possessing authority in the law—if, in fact, it arises, to any extent, from the preparation of reports being left entirely to the individual reporter, and their publication being entirely a matter of private speculation, then it can only be cured by the intervention of authority, and the formation of a totally different system.

In our view—and we know that view is shared by many of the Bar—radical reform in reporting will be attainable only by making the business of reporting an official business, and the reporters officers of the court; vesting the appointment of reporter in the head of the law, or in the judges as a body; and causing the publication and sale of reports to take place under the direction of some public officer or committee, so as to insure their sale at merely the cost price, after the manner adopted by the House of Commons in reference to the parliamentary papers. If this were done, most of the faults of reports would, we apprehend, vanish. But such a change is too great, and involves the adoption of too many proceedings, which probably the public would look upon with jealousy, to be expected at present. Nor is there any great probability of its ever being carried into effect, unless the Bar, as a body, take up the question. So long as they remain quiescent, all that can be looked for in the way of improvement is some sort of compromise—as we are a compromising nation in all our transactions—by which some of the imperfections of the present system may be moderated. Certain things, however, it is clear, the Profession is determined upon having, viz. less costly reports, and greater rapidity of publication; and both these points seem to be capable of attainment without the assistance of authority.

### Correspondence.

#### REGISTRATION OF JUDGMENTS AND SATISFIED TERMS.

TO THE EDITOR OF "THE JURIST."

SIR,—The importance of the questions which were discussed in the case of *Freer v. Hesse*, (17 Jur., part 1, p. 177), noticed in your last number, will be my excuse for suggesting, first, with deference to the learned judge who decided the case, that the dictum as

to the effect of neglecting to register a judgment for five years, under Sir E. Sugden's act, (for the question did not in fact arise, and was not decided), is contrary to the express language of the statute; and, secondly, with deference to yourself, that the point actually decided in the case, namely, that the Attendant Terms Act has left the protection derivable from terms actually appropriated before the 1st January, 1846, in full operation for the benefit of subsequent assigns of the persons then protected, is strictly correct, and in accordance with the express terms of the act.

To take the last-mentioned point first. The 1st section of the stat. 8 & 9 Vict. c. 112, after enacting that satisfied and attendant terms should cease to exist on the 31st December, 1845, adds this exception, that every term then attendant by express declaration though thereby made to cease, shall afford to every person the same protection as it would have afforded him if it had continued to exist, but had not been assigned or dealt with, after that day, and shall, for the purpose of such protection, be considered in every court to be a subsisting term. Now, for the purpose of the question in *Freer v. Hesse*, the enactment is free from any appearance of difficulty. The term was there wanted merely to keep off a judgment creditor, and it would be a sufficient answer to his elegit that there was an adverse term subsisting in some one or somewhere—no matter whom or where—but not in the judgment creditor. The difficulty which the enactment unquestionably presents is only with reference to the case where, as was said in the Exchequer, the term is wanted, not as a shield, but as a sword; and it is a difficulty of pleading. The person entitled to the protection of the term is out of possession, and seeks to eject one who is in possession under a legal title paramount every other legal title, except that under the term which was subsisting in 1845. The term of 1845 is dead. In whose name is the ejectment to be brought? No assignment of or dealing with the term subsequent to 1845 can be alleged. Now, what was intended was evidently to exclude an assignment or dealing for the purpose of appropriating the term as a protection peculiarly to the person causing the assignment to be made; to prevent, in short, one who purchased from A. in 1847 from seeking to appropriate the term to himself by an assignment which should exclude a possible undisclosed mortgagee of 1846. But making a title by administration or executorship is not a dealing with the term, nor is it, except by a refinement in technicality, an assignment of it; and if the expressly declared intention of the act cannot be carried out in any other way, it necessarily follows that an administrator or executor of the trustee of an attendant term, who died after 1845, is not an assignee within the meaning of the proviso, and may now maintain an ejectment for the benefit of the person entitled to the protection of the term.

As in *Freer v. Hesse* the term was a sufficient protection against the judgments, assuming them to have been otherwise available, it was unnecessary to consider whether the judgments were effectually registered or not; and the distinction made as to costs between the defendant's resistance to specific performance before the filing of the amended bill, (when the first five

years had not elapsed), and the continuance of his resistance after the five years had elapsed, is merely an example of the well-known propensity of the Court of Chancery to "se deraisonner" whenever costs are in question. As the Court held that the plaintiff was right on all the points, he ought to have had all his costs.

But in giving an opinion on the construction of the 4th section of the stat. 2 & 3 Vict. c. 11, the Court had evidently neglected to read the whole of the section; for when the whole of the section is read, it is clear, beyond a doubt, that the act does not require a continuous succession of entries within every successive period of five years. The enactment is, that every judgment, &c. which shall have been registered "shall, after the expiration of five years from the date of the entry, be null and void, against lands, tenements, and hereditaments, as to purchasers, mortgagees, or creditors, unless a like memorandum or minute as was required in the first instance is again left with the senior Master of the said Court of Common Pleas within"—what?—the said period of five years? No. Yet, if the Vice-Chancellor's dictum is correct, that is what would naturally have followed—But within "five years before the execution of the conveyance," &c. to such purchaser; "or, as to creditors, within five years before the right of such creditors accrued." Stopping here, the act plainly says that at the end of five years from the entry of the judgment, it shall be void for certain purposes unless there be another entry within, not those five years, but another period of five years, counted backwards, from an entirely distinct epoch. It proceeds—"and so toties quoties at the expiration of every succeeding five years"—that is to say, that as, at the expiration of five years after the first entry, the judgment is to be void for certain purposes unless it be re-entered within five years before the conveyance, "c.", so, at the expiration of five years after a second or subsequent entry, it shall be void in like manner unless the same condition be fulfilled; "toties" plainly referring to the repetition of the avoidance, and "quoties" to the repetition of the entry. It is true that the whole of the toties quoties clause is unnecessary; but the Vice-Chancellor's construction would require, not only that the re-entry should be made on the very day on which the five years expired, and not either before or after that day, but also that the whole of the elaborate reference to the date of the conveyance, and the accrual of the creditor's right, should be struck out, for it is absolutely inconsistent with that part of the clause.

G. S.

### London Gazettes.

FRIDAY, MARCH 11.

#### BANKRUPTS.

JAMES BISHOP HOUNSHAM, Two High Houses, Stoke Newington-road, Hornsey, Middlesex, schoolmaster, dealer and chapman, March 24 at half-past 12, and April 21 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Nias, Copthall-buildings, London.—Petition filed Jan. 11.

NATHANIEL BIRKETT GIBBS, Connaught-terrace, Edgeware-road, Middlesex, chemist and druggist, March 19 and April 22 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Randall, 56, Welbeck-street, Cavendish-square.—Petition dated March 10.

JOHN PLIMMER, Anchor Brewery, Britten-street, Chelsea, Middlesex, brewer, March 22 at 1, and April 25 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Lawrence & Co., 14, Old Jewry-chambers, Cheapside, London.—Petition filed March 2.

CHARLES FRANCIS HEWITT, Plymouth, Devonshire, butcher, dealer and chapman, March 24 and April 21 at half-past 10, District Court of Bankruptcy, Plymouth: Off. Ass. Hernaman; Sol. Elworthy, Exeter.—Petition filed March 4.

HENRY PRIOR, Edwards-place, Hackney-road, Middlesex, late of Wood-street, London, and HENRY ATKINSON, Wood-street, London, Manchester warehousemen, dealers and chapmen, March 23 at half-past 1, and April 22 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Mason, 17, Ironmonger-lane, City.—Petition filed March 7.

HENRY SIMMONDS, Ore, Sussex, brickmaker, builder, dealer in bricks, lodging-house keeper, dealer and chapman, March 23 at 2, and April 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Hill & Matthews, 1, Bury-court, St. Mary-axe.—Petition filed March 9.

HENRY SOLOMON, Holborn-hill, London, and Cumberland-place, Old Kent-road, and Surrey-place, Old Kent-road, Surrey, furniture broker, dealer and chapman, March 18 and April 22 at 12, Court of Bankruptcy, London: Off. Ass. Cannon; Sol. Jones, 9, Quality-court, Chancery-lane.—Petition filed March 8.

ROBERT BAXTER, Wisbech St. Peter, Cambridgeshire, courier and leather seller, dealer and chapman, March 22 at 2, and April 25 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Watson, Wisbech, Cambridgeshire; Abbott & Co., 8, New-inn, Strand, London.—Petition filed March 10.

ARTHUR HAMMOND JENKINS and EDWARD JOHN WOODHOUSE, Gloucester, wine merchants, (trading under the firm of Jenkins & Woodhouse), March 23 at 12, and April 20 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Lovegrove, Gloucester; Abbot & Lucas, Bristol.—Petition filed Feb. 21.

JANE WALKER, Halifax, Yorkshire, linendraper, dealer and chapwoman, April 7 and 29 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax; Bond & Barwick, Leeds.—Petition dated and filed March 8.

THOMAS WILLIAM BAKER, West Derby, Walton-on-the-Hill, and Liverpool, Lancashire, tobaccoconist and cigar dealer, dealer and chapman, March 22 and April 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Griffiths, Liverpool.—Petition filed March 9.

JAMES BURGESS, Over Tabley, Cheshire, contractor, dealer and chapman, April 7 and 28 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Taylor, Manchester; Hartley, Colne.—Petition filed Feb. 28.

JOHN JOSEPH SMITH, Stockton-upon-Tees, Durham, shipowner, March 18 at 11, and April 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Fenwick, North Shields.—Petition filed March 4.

#### MEETINGS.

John Holliswell and George Highfield, Liverpool, merchants, March 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—S. Cole Harrison, Sunderland-by-the-Sea, Durham, linendraper, April 4 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—J. Cresswell Jobling, Newton-hall, Bywell St. Peter, Northumberland, dealer in lead ore, April 6 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 8 at 11, first and fin. div.—Christian Bruce Reid, Newcastle-upon-Tyne, common brewer, April 6 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Adolphus Blumenthell, Birmingham, wine merchant, April 5 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; April 6 at 12, fin. div.—Hannah Minchew, widow, Bilston, Staffordshire, grocer, March 30 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—T. Doorbar, Biddulph, Staffordshire, wheelwright, March 30 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—J. Fletcher, Bradford, Yorkshire, draper, April 5 at 11, District Court of Bankruptcy, Leeds, aud. ac.—James Bickford, Brighton, Sussex, silversmith, April 2 at 12, Court of Bankruptcy, London, div.—Peter Wootton and Peter Wootton the younger, Margate, Kent, grocers, April 2 at half-past 1, Court of Bankruptcy, London, div.—Anthony Meyer, Throgmorton-st., London, merchant, April 2 at half-past 11, Court of Bankruptcy, London, div.—James Barten, Sutton Valence, Kent, brewer, April 2 at 11, Court of Bankruptcy, London, div.—C. Smith Fenwick, Tynemouth, Northumberland, banker, April 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—Wm. Briddon, Bootle, Liverpool, manufacturing chemist, April 1 at 11, District Court of

Bankruptcy, Liverpool, div.—*Edward Wray*, Kingston-upon-Hull, draper, April 13 at 12, District Court of Bankruptcy, Kingston-upon-Hull, div.—*Edward Ashton*, Kingston-upon-Hull, woollendrapery, April 13 at 12, District Court of Bankruptcy, Kingston-upon-Hull, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Crickmay*, Portsmouth, Hampshire, gun manufacturer, April 1 at 2, Court of Bankruptcy, London.—*James Jones*, Worthing, Sussex, linendrapery, April 2 at 11, Court of Bankruptcy, London.—*Edward Parker*, Cheapside, London, and Chadwell-street, St. John-street-road, Middlesex, stationer, April 5 at 12, Court of Bankruptcy, London.—*Samuel C. Harrison*, Sunderland-by-the-Sea, Durham, linendrapery, April 4 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Hall*, Newcastle-upon-Tyne, corn factor, April 6 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Christian B. Reid*, Newcastle-upon-Tyne, common brewer, April 6 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Edward Williams*, Liverpool, spar manufacturer, April 4 at 11, District Court of Bankruptcy, Liverpool.—*Oliver Veale*, Ashwater, Devonshire, miller, April 12 at 11, District Court of Bankruptcy, Exeter.—*Wm. W. Andrews*, Wolverhampton, Staffordshire, ironmonger, April 5 at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*W. Noble*, Charles-st., St. George's-in-the-East, Middlesex, wholesale stay manufacturer.—*Thomas Salkeld*, Basinghall-street, London, warehouseman.—*Wm. V. Matthews*, Yeovil, Somersetshire, druggist.

#### PETITION ANNULLED.

*James Betteridge*, Watlington, Oxfordshire, tea dealer.

#### SCOTCH SEQUESTRATIONS.

*Robert Grange* and *James M. Tyre*, Glasgow, shoemakers.—*J. and E. M. Donald*, Glasgow, fleshers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Eastwood*, Paddock, Huddersfield, Yorkshire, innkeeper, March 24 at 10, County Court of Yorkshire, at Huddersfield.—*John Rodgers*, Huddersfield, Yorkshire, drayman, March 24 at 10, County Court of Yorkshire, at Huddersfield.—*James Bird*, Neath, Glamorganshire, clerk in the employ of the Vale of Neath Railway Company, March 14 at 10, County Court of Glamorganshire, at Neath.—*John Brownell*, Ardwick, Manchester, out of business, April 4 at 11, County Court of Lancashire, at Manchester.—*David Thomas*, Byrdir, Llanenddwyn, Merionethshire, farmer, March 29 at 11, County Court of Merionethshire, at Dolgelly.—*Robert Moore*, Bury St. Edmund's, Suffolk, blacksmith, March 21 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Edward Mayhew*, Ilketshall St. Lawrence, Suffolk, miller and shopkeeper, March 15 at 12, County Court of Suffolk, at Beccles.—*John Clarkson*, St. Helen's, Lancashire, joiner, March 23 at 12, County Court of Lancashire, at St. Helen's.—*Henry Goodhind*, Cullompton, Devonshire, butcher, March 17 at 11, County Court of Devonshire, at Tiverton.—*David James*, Loughor, Glamorganshire, blacksmith, March 24 at 11, County Court of Carmarthenshire, at Llanelly.—*H. Gibbons*, Rochester, Kent, omnibus driver, April 14 at 10, County Court of Kent, at Rochester.—*Joseph Evans*, Carmarthen, cordwainer, March 22 at 2, County Court of Carmarthenshire, at Carmarthen.—*William Humphry*, Brading, Isle of Wight, Southampton, tailor, March 29 at 10, County Court of Hampshire, at Newport.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Joseph Morris* the younger, St. Helen's, joiner, No. 76,116; *John Nightingale*, assignee.—*Thomas J. Marsden Tallentine*, Houghton Bottoms, near Blackburn, grocer, No. 76,136; *Joseph Callis*, assignee.—*Joseph Tonge*, Manchester, carter, No. 75,997; *James Louks*, assignee.—*John Wilson*, Birkenhead, near Liverpool, provision-shop keeper, No. 76,198; *John Prendeville*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, March 26 at 11.*

*Thomas Farries*, Preston, accountant.—*Christopher Robinson*, Manchester, plumber.—*William Clough*, Gannow-lane-head, near Burnley, out of business.—*J. Scholes*, Crumpsall, near Manchester, out of business.—*John Rowcroft Macfarlane*, Manchester, out of business.—*Henry Hemson*, Salford, provision dealer.—*Mary Johnson*, Preston, licensed victualler.—*Joseph Burton*, Manchester, general merchant.—*Wm. Davis*, Manchester, plasterer.—*John Duggan*, Liverpool, out of business.—*James Healey*, Manchester, out of business.—*Thomas Joseph Carlisle*, Fulwood, near Preston, bookkeeper.—*Edward Taylor*, Salford, out of business.—*Thomas Davies*, Liverpool, beer-house keeper.—*Thomas Dixon Hankinson*, Pendleton, tin-plate worker.—*Geo. Martin*, Liverpool, beer-house keeper.—*Daniel Shaw*, Manchester, boat builder.—*James Farmer*, Wigan, provision dealer.—*Patrick M. Garry*, Bolton-le-Moors, broker.—*Henry Browne*, Manchester, veterinary surgeon.—*W. Barron*, Southport, out of business.

*At the County Court of Hampshire, at SOUTHAMPTON, March 30 at 10.*

*C. Tilbury* the younger, Southampton, dealer in pictures.

#### MEETING.

*William Briggs*, Stockton-on-Tees, Durham, out of business, March 29 at 12, Woolpack Inn, Gainsborough, Lincolnshire, sp. aff.

### TUESDAY, MARCH 15.

#### BANKRUPTS.

**JOHN GALLY HARTLEY and WILLIAM JUBILEE REED**, Princes-dock, Rotherhithe, Surrey, and New-street and Fore-street, Limehouse, Middlesex, shipwrights and ship mast and block makers, and blacksmiths, late of Horse-ferry-road, Limehouse, chemical manufacturers, (trading under the several styles of Hartley & Reed, and Reed & Co.), John Gally Hartley now residing in George-yard, Lombard-street, London, and William Jubilee Reed now residing at Rotherhithe-street, Surrey), March 31 at 11, and April 28 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Miller & Horn, King William-street.—Petition filed March 12.

**FRANCIS ROBERT GRAHAM**, Fleet-street, London, licensed victualler, dealer and chapman, April 4 at 1, and May 5 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Willis, Queen-street, Cheapside; Lawrance & Co., Old Jewry-chambers.—Petition filed March 10.

**ROBERT TEMPLE**, Brisley, Norfolk, grocer and draper, March 22 at half-past 2, and April 29 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Drake, East Dereham, Norfolk; Nicholls & Doyle, 2, Verulam-buildings, Gray's-inn.—Petition filed March 4.

**JOSEPH DUNTHORN**, Broadwall, Christchurch, Blackfriars-road, Surrey, corn and flour dealer, March 22 at half-past 1, and April 26 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Archer, 6, Racquet-court, Fleet-street.—Petition filed March 12.

**FRANCIS YOUNG**, Union-place, Walworth-road, Surrey, draper, dealer and chapman, March 22 at half-past 1, and April 26 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Reed & Co., Friday-street, Cheapside.—Petition filed March 12.

**ROBERT SYER HOGGAR**, Wolverhampton, Staffordshire, builder, dealer and chapman, March 31 and April 21 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Corser & Underhill, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated March 12.

**WILLIAM BUTTERWORTH**, Mansfield, Nottinghamshire, grocer, April 1 and 22 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Shilton & Son, Nottingham.—Petition dated March 5.

**NICHOLAS CROOK**, Preston, Lancashire, tailor and woollen draper, dealer and chapman, April 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Higson & Robinson, Manchester.—Petition filed March 12.



**WILLIAM GILL**, Manchester, fustian manufacturer, April 5 and 26 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. J. P. & W. Sutcliffe, Hebden-bridge, Yorkshire.—Petition filed March 4.

**JAMES BURGESS**, Over Tabley, Cheshire, contractor, dealer and chapman, April 7 and 28 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Sedgley, Knutsford.—Petition filed Feb. 28.

#### MEETINGS.

**James Elliott**, Derby, carrier, April 8 at 10, District Court of Bankruptcy, Nottingham, last ex.—**Augustine Belletti**, West India Dock-road, Limehouse, Middlesex, mahogany merchant, April 7 at 11, Court of Bankruptcy, London, div.—**John Wiazar**, Salisbury, Wiltshire, apothecary, April 5 at half-past 11, Court of Bankruptcy, London, div.—**J. Roberts**, Bootle, near Liverpool, grocer, April 6 at 11, District Court of Bankruptcy, Liverpool, div.—**George Pryde**, **David Jones**, and **John Gibb**, Liverpool, sail makers, April 5 at 11, District Court of Bankruptcy, Liverpool, div.—**Solomon Flatow**, Leeds, Yorkshire, jeweller, April 5 at half-past 12, District Court of Bankruptcy, Leeds, div.—**S. C. Harrison**, Sunderland-by-the-Sea, Durham, linedraper, April 7 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**John Burlingham**, Worcester, milliner, April 5 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Robert Grear**, Bradley-terrace, Wandsworth-road, Surrey, tobacco-chandler, April 6 at 12, Court of Bankruptcy, London.—**James Tyars**, New Crane Corn Wharf, Shadwell, Middlesex, wharfinger, April 8 at 11, Court of Bankruptcy, London.—**George Coldwell**, Ashton-under-Lyne, Lancashire, shoemaker, April 5 at 12, District Court of Bankruptcy, Manchester.—**George Rogers**, Compstall-bridge, Cheshire, grocer, April 7 at 12, District Court of Bankruptcy, Manchester.—**William Mayfield**, Spalding, Lincolnshire, grocer, April 8 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

**James Harper**, Gloucester, hotel keeper.—**Geo. Gardner**, Woolwich and Plumstead, Kent, ironmonger.—**J. Emmens**, Elizabeth-street, Eaton-square, Middlesex, corn dealer.—**Jas. Franklin**, Great Marlow, Buckinghamshire, innkeeper.—**Wm. Barkett**, Courland-grove, Larkhall-lane, Clapham, and Lavender-hill, Wandsworth-road, Surrey, builder.

#### PETITION ANNULED.

**Esack Jones**, Elton, Bury, Lancashire, ironfounder.

#### SCOTCH SEQUESTRATIONS.

**Isaac Middleton**, Stonehaven, Kincardine, woollen manufacturer.—**Rev. John Young**, Higgs, Stirling, minister.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Thomas Roberts**, Tyddyncha, Henllan, Denbighshire, butcher, April 7 at 11, County Court of Denbighshire, at Denbigh.—**James Frost**, Holbeck Woodhouse, Cuckney, Nottinghamshire, licensed victualler, April 2 at 11, County Court of Nottinghamshire, at Worksop.—**Henry E. Swane**, Brighton, Sussex, bookbinder, March 26 at 10, County Court of Sussex, at Brighton.—**Wm. Ashton**, Lincoln, plumber, April 5 at 12, County Court of Lincolnshire, at Lincoln.—**W. Pyle**, Lincoln, accountant, April 5 at 12, County Court of Lincolnshire, at Lincoln.—**Emerson Nichols**, Longton, Staffordshire, stonemason, March 23 at 10, County Court of Staffordshire, at Hanley.—**John H. Craske**, Great Yarmouth, Norfolk, baker, April 4 at 10, County Court of Norfolk, at Great Yarmouth.—**S. L. Goodwin**, Great Yarmouth, Norfolk, fish merchant's clerk, April 4 at 10, County Court of Norfolk, at Great Yarmouth.—**Mary H. Owles**, Great Yarmouth, Norfolk, grocer, April 4 at 10, County Court of Norfolk, at Great Yarmouth.—**Edward Bluck**, Oxton, Woodchurch, Cheshire, attorney-at-law, March 18 at 10, County Court of Cheshire, at Birkenhead.—**Thomas Carwardine**, Malvern Wells, Hanley Castle, Worcestershire, carrier, April 11 at 10, County Court of Worcestershire, at Upton-upon-Severn.—**James**

**White**, Kempsey, Worcestershire, butcher, April 11 at 10, County Court of Worcestershire, at Upton-upon-Severn.—**James Hatton**, Union-row, New Kent-road, Newington, Surrey, out of business, March 16 at 11, County Court of Kent, at Canterbury.

*Saturday, March 12.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**John R. Jones**, Aberayron, Hensfenyw, Cardiganshire, ironmonger, No. 75,483 C.; **Wm. Richards Warren**, assignee.—**Simon Rendall**, Sherwood, near Newton St. Cyres, Devonshire, attorney, No. 75,945 C.; **E. Gaston**, assignee.—**John Anderson**, Newcastle-upon-Tyne, butcher, No. 76,026 C.; **J. Jordan**, assignee.—**R. Upton**, Calverley Fields, Tunbridge Wells, Kent, carpenter, No. 76,100 C.; **J. Coyte**, assignee.—**John Blackmur the younger**, Morpeth-terrace, Victoria-park, Hackney, Middlesex, timber merchant, No. 63,433 T.; **John More and Geo. Davis**, assignees.—**William Platt**, Beaufort-buildings, Strand, Middlesex, working jeweller, No. 63,431 T.; **Geo. Simons**, assignee.—**James Stead**, Bradford, Yorkshire, grocer, No. 75,864 C.; **Edward George Jepson**, assignee.—**J. Lloyd**, Earl's-terrace, Kensington, Middlesex, in no profession, No. 63,391 T.; **Sir John Kerle Haberfield**, assignee.—**Geo. Wm. Turner**, Exeter, attorney-at-law, No. 75,547 C.; **Wm. Partridge**, assignee.—**W. Johnson**, Walton, near Liverpool, coal proprietor, No. 75,943 C.; **Samuel Bishop**, assignee.—**Wm. Hildyard**, York, clerk, No. 76,002 C.; **George Leeman**, assignee.

*Saturday, March 12.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**John Brutus Davies**, Southgate-road, Hackney, Middlesex, wine cooper: in the Debtors Prison for London and Middlesex.—**Jos. Hare**, Grafton-st., Bond-st., Middlesex, not in any business: in the Queen's Prison.—**Samuel Hayward**, Seal, near Sevenoaks, Kent, out of business: in the Debtors Prison for London and Middlesex.—**William Spinks**, Queen's-road, Dalston, Middlesex, livery-stable keeper: in the Debtors Prison for London and Middlesex.—**Geo. Pound**, Dean-st., Soho, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—**J. Phillips**, Murray-street, New North-road, Hoxton, Middlesex, cotton wadding manufacturer: in the Debtors Prison for London and Middlesex.—**C. Clark**, Victoria-place, Camberwell New-road, Surrey, town traveller to a stationer: in the Debtors Prison for London and Middlesex.—**John Davies**, Pancras-lane, Bucklersbury, London, grocer: in the Debtors Prison for London and Middlesex.—**Wm. Avis**, High-st., St. Giles's, Middlesex, furnishing undertaker: in the Debtors Prison for London and Middlesex.—**Edwin Ballard**, Tavistock-place, Tavistock-square, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—**Thos. Stacey**, Lee, Kent, carman: in the Debtors Prison for London and Middlesex.—**Samuel Sidwell**, Union-passage, Bath, bookseller: in the Debtors Prison for London and Middlesex.—**John Brendell**, Earl-street West, Edgeware-road, Middlesex, tobaccoconist: in the Debtors Prison for London and Middlesex.—**Edward John Costor**, York-terrace, Old Kent-road, Surrey, baker: in the Gaol of Surrey.—**Jas. Sawyer**, Gray's-inn-lane, Holborn, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Thos. Wm. Walker**, Judd-place West, New-road, Middlesex, house agent: in the Debtors Prison for London and Middlesex.—**John Henry Chipperfield**, Bidborough-st., New-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Jas. Pickford**, Upper Whitecross-street, St. Luke's, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—**Marcus Bain**, Hampstead-street, Fitzroy-square, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—**Richard Case** the younger, Gough-st., Gray's-inn-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Edw. Hanson Eyre**, Rufford's-row, High-street, Islington, Middlesex, builder's clerk: in the Debtors Prison for London and Middlesex.—**Jas. Russell**, Hindon-street, Vauxhall-bridge-road, Middlesex, out of employment: in the Debtors Prison for London and Middlesex.—**Thomas Joseph Carlisle**, Ful-



wood, near Preston, Lancashire, bookkeeper: in the Gaol of Lancaster.—*James Cliff*, Seaforth, near Liverpool, shoemaker: in the Gaol of Lancaster.—*Wm. Davis*, Manchester, plasterer: in the Gaol of Lancaster.—*Thomas Davies*, Liverpool, beer-house keeper: in the Gaol of Lancaster.—*John Duggan*, Liverpool, licensed victualler: in the Gaol of Lancaster.—*James Healey*, Manchester, hairdresser: in the Gaol of Lancaster.—*Mary Johnson*, Preston, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Chas. Blake Leach*, Liverpool, shopman: in the Gaol of Lancaster.—*Edw. Place*, Liverpool, joiner: in the Gaol of Lancaster.—*Jon. Wood*, Manchester, out of employ: in the Gaol of Lancaster.—*Radcliffe Wolstencroft*, Oldham, Lancashire, joiner: in the Gaol of Lancaster.—*Daniel Shaw*, Patricroft, near Manchester, boat builder: in the Gaol of Lancaster.—*Thomas Cotton*, Lewes, Sussex, milliner: in the Gaol of Lewes.—*Thomas Hughes*, Chester, grocer: in the Gaol of Chester.—*Frederick F. Mead*, Northampton, shoe manufacturer: in the Gaol of Northampton.—*William Barron*, Southport, Lancashire, out of business: in the Gaol of Lancaster.—*Patrick M'Garry*, Howell Croft, Bolton-le-Moors, Lancashire, broker: in the Gaol of Lancaster.—*Thomas D. Hankinson*, Pendleton, near Salford, Lancashire, tin-plate worker: in the Gaol of Lancaster.—*George Martin*, Liverpool, beer-house keeper: in the Gaol of Lancaster.—*John Hayling*, Gloucester, sheriff's officer's assistant: in the Gaol of Gloucester.—*John Portlock*, Gloucester, out of business: in the Gaol of Gloucester.—*James Smith*, Bream Newland, near Lydney, Gloucestershire, engineer: in the Gaol of Gloucester.—*J. Keeble* the younger, Shelly, near Hadleigh, Suffolk, butcher: in the Gaol of Suffolk.—*Samuel Harding*, Macclestone, Staffordshire, shoemaker: in the Gaol of Stafford.—*John Lambley*, Birmingham, chemist: in the Gaol of Warwick.—*Elizabeth Cooper*, spinster, Kingston-upon-Hull: in the Gaol of Kingston-upon-Hull.—*Charles Stedman*, Norwich, farmer: in the Gaol of Norwich.—*John Thisselton*, Ramsgate, Kent, grocer: in the Gaol of Dover.—*Henry L. Howell*, Carmarthen, farmer: in the Gaol of Carmarthen.—*Jesse Platt*, Salford, Lancashire, commission agent: in the Gaol of Lancaster.—*John Spencer*, Fullege, near Burnley, Lancashire, printer: in the Gaol of Lancaster.—*James Crozier*, Newcastle-upon-Tyne, collector of rents: in the Gaol of Newcastle-upon-Tyne.—*Wm. Henry Thornton*, Gloucester, grocer: in the Gaol of Gloucester.—*James C. Browne*, Great Yarmouth, Norfolk, publican: in the Gaol of Norwich.

(On Creditor's Petition).

*Philip Hardwick*, Boddicott, near Banbury, Oxfordshire, chemist: in the Gaol of Oxford.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Gloucestershire, at GLOUCESTER, March 31 at 10.

*John Hayling*, Gloucester, sheriff's officer's assistant.—*John Portlock*, Gloucester, out of business.—*James Smith*, Bream Newland, near Lydney, collier.—*G. Hall*, Gloucester, dealer in hay.

At the County Court of Kent, at DOVER, April 1 at 10.

*John Thisselton*, Ramsgate, grocer.

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# The Jurist

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LONDON, MARCH 26, 1853.

THE suggestions which we ventured to offer on the important dicta in *Freer v. Hesse* (ante, p. 90; 17 Jur., part 1, p. 177) have been answered by a correspondent in the last number of this journal.

After a careful consideration of the arguments against the view which we took of the question, upon the effect of the act to render the assignment of satisfied terms unnecessary, as we remain unconvinced by them, and as discussion upon a point of so much practical importance may not be unacceptable to the readers of THE JURIST, we take this opportunity of replying.

The dictum (for we believe that the Vice-Chancellor rather decided the other point argued, and expressed an obiter opinion upon this) was, in effect, that a satisfied term of years, which by express declaration was in 1845 attendant upon the inheritance of certain lands, although made to cease on that day, afforded to a subsequent purchaser, with notice of a judgment, the same protection which it afforded to his vendor, a mortgagee with a power of sale, who, without notice of the same judgment, had obtained an assignment of the term to a trustee, upon trust to secure the mortgage debt, and subject thereto, to attend the inheritance. Of course, for the purpose of this question, it is

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supposed that the judgment was in itself a valid and subsisting charge. Assuming for the moment that the equities of the judgment creditor and the last purchaser were equal, and that one of them had not a better right to call for an assignment of the term in his favour than the other, the objection of The Jurist correspondent, that an outstanding *adverse* term, existing in some one or somewhere, not in the judgment creditor, would be a sufficient answer to his elegit, appears to us by no means conclusive. To this we may reply by referring to the 1 & 2 Vict. c. 110, s. 11, which empowers the sheriff, to whom an elegit is directed, to make and deliver execution to the party suing of all such lands as he, or any person in trust for him, should have been seised or possessed at the time of entering up the judgment; and to sect. 13, which gives to a judgment the effect of a charge upon all lands of or to which the judgment debtor should, at the time of entering up the judgment, be seised, possessed, or entitled, for any estate or interest whatever, at law or in equity, whether in possession, *reversion*, remainder, or expectancy, and gives the judgment creditor certain remedies in equity. If the term were vested, according to the suggestion, in some third person entitled to the chattel interest in the land beneficially, the *feudal* possession, subject to the term,

would still be in the purchaser; he would be seised of an estate of inheritance subject to the term; and this interest, if not legally extendible by the elegit, would, under the 13th section of the 1 & 2 Vict. c. 110, be charged by the judgment, and such charge, if the reversion were of any value, which the proposition that it would be protected assumes, might be enforced by a bill in equity. (See 1 Sim., N. S., 78). Therefore the beneficial interest in the land for the term, to afford any protection to the purchaser of the inheritance, must belong to *him*, and if it does, *cadit questio*. But did it in *Freer v. Hesse*? That is the whole difficulty. We think not. If the term was held upon a beneficial trust for the purchaser, without an express assignment or declaration of trust in his favour, then it would have protected him before the statute concerning satisfied terms; and, by the very words of that statute, such protection is to be continued, notwithstanding the destruction of the term. The question is, therefore, reduced to this—could the purchaser have claimed the benefit of this term independently of the act, without an assignment of it in his favour?

We appeal first to the practice of all conveyancers for an answer. It is beyond dispute that no lawyer would have advised that the purchaser, having notice of the judgment debt, could have had the protection against it which his vendor enjoyed, without an actual transfer of the chattel interest, during which only he could have this immunity—that is, without an assignment or fresh declaration of trust of the term in favour of the purchaser. Nor was this practice adopted simply *ex abundanti cautela*, though that may be regarded as the sole reason for many things done by conveyancers. Let us look at the principles which should govern this case. When the judgment was first registered, it became a charge upon the land, at law and in equity, and the term, being then attendant by construction of law, was so attendant upon the charge of the judgment creditor in his term, according to his interest in the inheritance. Then the subsequent mortgagee, if he had had notice of the charge, must have taken subject to it. Not having such notice, he was permitted, by a somewhat arbitrary rule, to appropriate for his exclusive benefit the term in which before the judgment creditor had an interest according to his charge. The equity upon which this privilege depended was entirely personal to the mortgagee, resting solely upon the fact, that at the date of his mortgage he had not notice of the judgment debt. The effect of the assignment of the term in trust for him was not to destroy the charge on the inheritance, but only to secure to him a *cesset executio* on the judgment during the continuance of the term. That benefit he could transmit to a purchaser from himself, even with notice, by an assignment of the term, but in no other way; and when the term expired or ceased, by surrender or otherwise, the protection was gone with it. Suppose, for the sake of illustration, that the judgment had been for a debt equal to the present value of the inheritance. The chattel estate in that case would have been the whole security of the mortgagee, and his sole interest in the lands; and the effect of selling the inheritance, and conveying it alone without the term, thus appears in its strongest light. The sale and conveyance would, in

fact, pass as their chief subject—that in which the mortgagees possessed no interest. It can hardly be contended that the benefit of the term would go, even in equity, to the purchaser by implication only, without any actual grant or mention of it.

As no assignment or declaration of trust of the term could be made since the statute, it matters little who had the better right to call for such assignment; for this right of itself, of course, can give no protection, unless the assignment is made accordingly. But it is extremely doubtful, to say the least of it, whether the last purchaser in the supposed case would have had a better right even to call for an assignment of the term than the judgment creditor. This right is entirely equitable, and depends upon the question which we have assumed thus far can be affirmatively answered. Are not the equities of these two parties equal? The last purchaser had notice of an existing charge upon the inheritance, against which his vendor had protected himself by the term. The vendor, being unaffected with notice, had a right to transfer the term, of which privilege, for the vendor's benefit only, the purchaser might have taken advantage before the statute. He did not, on his purchase, take an assignment of that term, and therefore it would seem that nothing could prevent, as between him and the judgment creditor, the application of the rule, *qui prior est tempore potior est jure*. In this view, the equity of the judgment creditor would be superior to that of the purchaser with notice, which is more than the argument requires. It is enough for our position that these equities should be equal, as there was not, nor could be, any assignment of or dealing with the attendant term for the purchaser's benefit.

But there is another consideration arising from the nature of the trust of the term in the case of *Freer v. Hesse*, which it may be thought renders much of the preceding argument superfluous. The trust of the term was, it appears, for a limited purpose only—to secure the mortgage debt, and subject thereto, to attend the inheritance. Upon the mortgage debt being satisfied, the protection personal to the mortgagee was exhausted, and the trust of the term would be precisely what it was before the mortgage, when the judgment creditor had an interest in it in proportion to his charge. Therefore the judgment creditor might contend fairly, that even if, in case the mortgagee had been a *purchaser*, a subsequent purchaser from him, with notice, might have claimed the benefit of the former declaration of trust of the term without a fresh assignment or declaration of trust for himself, yet as the object of the assignment of the term was only to secure the mortgage debt, when that was paid off, the judgment creditor must be restored to his rights in equity against the estate.

The objection to which, as we humbly submit, the decision on this point is open, depends entirely on the language of the statute, which would give to the last purchaser in the supposed case only such protection as he could previously have had without a fresh assignment, or dealing with the term. If the construction be as we here contend, the consequence is, that a purchaser, who before 1845 protected himself by the assignment of a term against prior incumbrances of which he had notice, cannot, since the passing of the

act, transmit that protection, with the estate, to a subsequent purchaser from himself. That may have been contrary to the intention of the framers of the statute, and to some may even seem absurd; but it would be more anomalous to continue for long periods of time the protection of terms which have ceased to exist; and in any view of it, we say boldly, that this construction of the act is not a greater absurdity than was the whole fiction of attendant terms, now happily becoming obsolete; for it is notorious, that under the old system it was not an uncommon practice for a purchaser to avoid inquiry respecting prior incumbrances, when there was a possibility of evading them by the dishonest device of having a term assigned in trust for his benefit, and to attend the inheritance.

#### ON THE EXTINGUISHMENT OF A MORTGAGE IN THE HANDS OF A PURCHASER OF THE EQUITY OF REDEMPTION.

If, where there are two mortgages of the same estate, the first mortgage is paid off by the debtor himself, the charge is extinguished for the benefit of the next incumbrancer, and cannot be set up against him, even though his mortgage was taken expressly subject to the first—the second mortgagee being considered to have stipulated for a security to the full value of the estate, if the prior incumbrance should be removed. And though it be not the mortgagor's duty to pay off the first incumbrance, (as where the mortgage has been made by the trustees of a settlement to raise portions), the second mortgagee's rights are the same; and, *a fortiori*, will the second mortgagee be deemed to have contracted for a security to the full value of the estate, when the mortgagor was not only not personally liable to pay the first mortgage, but was entitled, as against another person or another estate, to have his own estate exonerated from the mortgage.

In these cases it is usual to say that the charge which has been paid off has been merged in the equity of redemption. But the term "merger" is improperly applied to an extinguishment under such circumstances. Merger is the extinguishment of an estate or interest, by its concurrence in the same person with the estate or interest next in order of right to the enjoyment; and in the cases under consideration, the person next in the order of rights (namely, the second mortgagee) is not the person who acquires the interest which is held to have been extinguished. On the contrary, when the first mortgage is paid off by the second mortgagee, there is no extinguishment. The rule is not founded on any technicality, but on substantial considerations of equity. Therefore it does not extend to the case of a purchase of the equity of redemption by a first mortgagee without notice of the second mortgage, or (which is the same thing) the paying off of the first mortgage by a purchaser of the equity of redemption without notice of the second mortgage; and so the analogy of merger is not followed when a first mortgagee takes a further charge on the same property with notice of the meane incumbrance. (*Miles v. Walton*, 2 Coll. 364).

The doctrine of equity with respect to the extinguishment of charges was thus clearly expounded by Sir W. Grant in *Forbes v. Moffatt*, (18 Ves. 390)—"It is very clear, that a person becoming entitled to an estate, subject to a charge for his own benefit, may, if he choose, at once take the estate, and keep up the charge. Upon this subject a Court of equity is not guided by the rules of law. It will sometimes hold a charge extinguished where it would subsist at law, and sometimes preserve it where at law it would be merged.

The question is upon the intention, actual or presumed, of the person in whom the interests are united. In most instances it is, with reference to the party himself, of no sort of use to have a charge on his own estate; and where that is the case it will be held to sink, unless something shall have been done by him to keep it on foot. . . . With regard to presumptive intention, it was evidently most advantageous to John Moffatt that this mortgage should be kept on foot, for otherwise he would have given priority to the other mortgage, and all the debts of his brother. The reasonable presumption therefore is, that he would choose to keep the mortgage on foot. Where no intention is expressed, or the party is incapable of expressing any, I apprehend the Court considers what is most advantageous to him. . . . Upon looking into all the cases in which charges have been held to merge, I find nothing which shews that it was not perfectly indifferent to the party in whom the interests had united whether the charge should or should not subsist." (*See Hood v. Phillips*, 3 Beav. 513).

The purchaser of an equity of redemption is generally required to enter into an express covenant to indemnify the mortgagor against the charges of which he had notice; and if he does not expressly bind himself to do this, equity fastens the obligation on him; (*Waring v. Ward*, 7 Ves. 337); and if the mortgagee himself forecloses the equity of redemption, that is a satisfaction of the debt, and he will not be permitted afterwards to sue the mortgagor on his personal obligation, except upon the terms of opening the foreclosure; (*Tooke v. Hartley*, 2 Bro. C. C. 125; *Booth v. Booth*, 2 Atk. 344; *Dyson v. Morris*, 1 Hare, 427); and if, by selling the estate, he has rendered redemption impossible, he will be enjoined from suing the mortgagor. (*Perry v. Barker*, 8 Ves. 527; see *Willes v. Lovatt*, 1 De G. & S. 392).

A mortgagee, therefore, purchasing the equity of redemption with express notice of an intermediate mortgage, or a purchaser of the equity of redemption with express notice of the two mortgages, who afterwards pays off the first mortgage, cannot set up the first charge against the second mortgagee, because by so doing he would compel the second mortgagee to sue the mortgagor on his personal obligation, against which suit the purchaser of the equity of redemption is, by express or implied contract, bound to indemnify the mortgagor.

But a purchaser of an equity of redemption, who has not express, but only constructive, notice of a meane incumbrance, is in a different position. So far from being bound to indemnify the mortgagor against such incumbrance, he has a right to be indemnified by the mortgagor. As between him and the mortgagor, the question is not as to notice, but as to intimation, which intimation it was the mortgagor's duty to give. The implication of notice is raised solely for the benefit of the meane incumbrancer. There is none as between the mortgagor and the purchaser.

Constructive notice of the second mortgage to the purchaser of the equity of redemption would, by the settled rule of equity, disable him from setting up the legal estate, whether already in him or subsequently acquired, to defeat the claim of the second mortgagee upon the equity of redemption; but there is no ground of equity for making such notice farther operative to extinguish the prior valid and subsisting first mortgage for the benefit of the second mortgagee. This, however, was done in *Toulmin v. Steere*, (3 Mer. 210). In that case, Witts mortgaged an estate to H. for 5000*l.*, then granted an annuity to S. charged on the estate expressly subject to the mortgage, and then mortgaged to W. for 3000*l.* W., who was not shewn to have had notice of the annuity, afterwards took a transfer of the first mortgage. Ultimately the estate



was purchased, under the authority of the Court of Chancery, by the trustees of a will, under which L. S. S., a son of Witts, was tenant for life, and L. S., a son of L. S. S., was tenant in tail in remainder. Noble, one of the trustees, was a solicitor, who acted in the purchase as agent for both parties, and who had also acted for both parties in the annuity transaction, and through whose hands the annuity had been paid. The mortgages were paid off out of the purchase money, and W. joined in the conveyance to the trustees. The bill sought payment of the annuity in preference to the mortgages. It was understood that the defendants had no actual notice of the annuity, and it was stated that Witts, the vendor, had concealed its existence, but had actually left a sum in Noble's hands to redeem it, which Noble (who soon after absconded) converted to his own use. If that were so, the charge of constructive notice was unfounded; for it is clear, and has been decided, that notice cannot be imputed to the principal of that which his agent, by reason of his own fraud, has an interest to conceal. (*Kennedy v. Green*, 3 My. & K. 698). But Sir W. Grant, M. R., held that the annuity had become a primary charge on the estate, observing, that, "in effect, Witts had paid off the other incumbrances, for they had been paid out of the purchase money, and he had received so much less for his estate than he would otherwise have done. Then, what equity can the purchasers have, to consider them as still subsisting as against any person claiming under W.? They are in no worse condition than they would have been if they had bought an estate on which there was no mortgage, but which turned out to be incumbered with an annuity—not known to them in fact, but constructively known to them by means of notice to their agent. In that case, would they be permitted to say, 'There was a time when there was a charge upon the estate prior to the annuity, and therefore, as between the annuitant and us, that charge shall be considered as still existing?' The cases of *Greswold v. Marsham* (2 Ch. Cas. 170) and *Mocatta v. Murgatroyd* (1 P. Wms. 393) are express authorities to shew that one purchasing an equity of redemption cannot set up a prior mortgage of his, nor consequently a mortgage which he has got in, against subsequent incumbrances, of which he had notice. *I do not see how I can make any distinction, in point of legal effect, between personal notice to the party and notice affecting him through the medium of his agent.*"

(To be continued).

### London Gazettes.

FRIDAY, MARCH 18.

#### BANKRUPTS.

**WILLIAM AYRES**, (commonly known as William Port Ayres), Blackheath, Kent, nurseryman, dealer and chapman, April 1 and 29 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Bristow & Tarrant, 2, Bond-court, Walbrook.—Petition filed March 12.

**FREDERICK ARTHUR BUTT**, Henry-st., Pentonville, Middlesex, grocer and cheesemonger, April 1 at half-past 2, and April 29 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Fraser & May, 78, Dean-street, Soho.—Petition dated March 18.

**JOSEPH BOYS**, High-st., Peckham, Surrey, draper, dealer and chapman, March 30 and April 26 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Braddon, 8, Gray's-inn-place.—Petition filed March 14.

**JOHN FRANCIS BRICKNELL CABBURN**, Cumberland-row, King's-cross, St. Pancras, Middlesex, licensed victualler, March 23 and May 6 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Dimmock & Barbey, 2, Suffolk-lane, Cannon-st., City.—Petition dated March 15.

**JOSEPH HENRY DUNNE and JOHN VENABLES**, Craven-st., Strand, Middlesex, shipowners and merchants, March 23 and May 6 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Philp, 26, Bucklersbury, London.—Petition dated Feb. 23.

**THOMAS KENT CLAY**, Ironmonger-lane, London, woolen warehouseman, dealer and chapman, April 1 at 11, and April 30 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Miller & Horn, 78, King William-street, City.—Petition dated March 10.

**JOHN JOHNSON**, Wakefield, Yorkshire, cabinet maker, dealer and chapman, April 11 and May 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Westmorland & Taylor, Wakefield.—Petition dated March 14.

**JAMES BROADHEAD**, Scholes, Wooldale, Kirkburton, Yorkshire, manufacturer, April 11 and May 2 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Cariss & Cudworth, Leeds.—Petition dated March 7.

**THOMAS BROCK**, Kingston-upon-Hull, coal and potato merchant, April 13 and May 4 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Levett & Champney, Kingston-upon-Hull.—Petition dated March 9.

**JOHN HEAP the elder and RICHARD HEAP**, Manchester, silk printers, dealers and chapmen, April 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Taylor, Manchester; Hartley, Colne.—Petition filed March 8.

**GEORGE EARNSHAW**, Ashton-under-Lyne, Lancashire, grocer and provision dealer, April 5 and May 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Brooks, Ashton-under-Lyne, Lancashire.—Petition filed March 15.

#### MEETINGS.

*Thos. Burton*, Commercial-road, Lambeth, Surrey, builder, April 8 at 1, Court of Bankruptcy, London, pr. d.—*John Urwin*, Newcastle-upon-Tyne, licensed victualler, April 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*William Donald*, Hayton, Aspatia, Cumberland, cattle dealer, April 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Alfred Bennett*, Bridge-house-place, Newington-causway, Surrey, window blind manufacturer, March 30 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Fred. Wm. Thomas*, Leadenhall-street, London, auctioneer, April 6 at 12, Court of Bankruptcy, London, aud. ac.—*Robert Tate the younger*, Uxbridge, near Hillingdon, Middlesex, miller, March 30 at 12, Court of Bankruptcy, London, aud. ac.—*James Crocker*, Sherborne, Dorsetshire, innkeeper, April 7 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*Richard Penwarden*, Launceston, Cornwall, saddler, April 7 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*John S. Cobbledick*, Whitstone, Cornwall, draper, April 7 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*T. W. Whitter*, Cullompton and Sampford Peverill, Devonshire, lime burner, April 7 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*R. J. S. Robins*, Tavistock, Devonshire, attorney, April 7 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*Edward Beck*, Tiverton, Devonshire, cabinet maker, April 7 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*C. S. Fenwick*, Tynemouth, Northumberland, banker, April 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Thomas Pearce and Wm. Thackray*, Sunderland, Durham, timber merchants, April 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 15 at 12, fin. div.—*T. Burnip*, Newcastle-upon-Tyne, draper, April 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 15 at 11, div.—*J. Marrow*, Thatch Heath, within Sutton, near Prescot, Lancashire, and *T. Frodsham*, Toxteth-park, near Liverpool, common brewers, March 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Aspinall and James Aspinall*, Liverpool, bankers, March 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*W. Savage*, Bradford, Yorkshire, dispensing druggist, April 4 at half-past 12, District Court of Bankruptcy, Leeds, aud. ac.—*F. C. Matthews*, Great Driffield, Yorkshire, manufacturing chemist, April 5 at 11, District Court of Bankruptcy, Leeds, aud. ac.; April 12 at 11, fin. div.—*Joseph Wilson and Chas. P. Woodfin*, Kingston-upon-Hull, and Great Grimsby, Lincolnshire, ironfounders, March 30 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*John Dawson*, Northfleet, Kent, and Mitre-court-chambers, Tem-

le, and Clement's-lane, Lombard-street, London, shipowner, April 8 at half-past 1, Court of Bankruptcy, London, div.—*Francis Clark the younger*, Bury St. Edmund's, Suffolk, inn-keeper, April 12 at 12, Court of Bankruptcy, London, div.—*Ismael Churchill*, Deddington, Oxfordshire, scrivener, April 2 at half-past 11, Court of Bankruptcy, London, div.—*R. Farra*, Nelson-place, Remington-street, City-road, Middlesex, coachmaker, April 12 at 11, Court of Bankruptcy, London, div.—*Bethel Ware*, Tottenham-court-road, Middlesex, straw bonnet manufacturer, April 11 at half-past 11, Court of Bankruptcy, London, div.—*Joseph Warren*, Ramsgate, Kent, stationer, April 11 at 12, Court of Bankruptcy, London, div.—*Edward D. Busher*, Piccadilly, Middlesex, coachbuilder, April 11 at 11, Court of Bankruptcy, London, div.—*Wm. Williams and Robt. M. Marchant*, Great George-street, Westminster, Middlesex, and Liverpool, and Campden, Gloucestershire, contractors for public works, April 8 at 2, Court of Bankruptcy, London, fin. div.—*D. Davies and J. Davies*, Asylum-road, Old Kent-road, Surrey, road contractors, April 9 at 11, Court of Bankruptcy, London, div.—*James James*, Worthing, Sussex, linendraper, April 9 at half-past 12, Court of Bankruptcy, London, div.—*Thomas Wm. Mayford*, Suffolk-lane, Cannon-street, London, wine merchant, April 9 at 12, Court of Bankruptcy, London, div.—*James Bate*, New Windsor, Berkshire, builder, April 8 at half-past 1, Court of Bankruptcy, London, div.—*James Potter*, Birmingham, mill manufacturer, April 9 at 10, District Court of Bankruptcy, Birmingham, and. ac. and fin. div.—*John P. Bayfall*, Dewsbury, Yorkshire, innkeeper, April 8 at 11, District Court of Bankruptcy, Leeds, div.—*George Procter*, *Joseph Procter*, and *Thomas Procter*, Rochdale, Lancashire, cotton spinners, April 11 at 12, District Court of Bankruptcy, Manchester, div.—*John Hints Watkins*, Woolwich, Kent, grocer, April 14 at half-past 12, Court of Bankruptcy, London, div.

## CERTIFICATES.

*Not allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Francis Jenkins*, Tysoe-street, Clerkenwell, Middlesex, wine merchant, April 11 at 12, Court of Bankruptcy, London.—*W. J. Bowden*, Ware, Hertfordshire, apothecary, April 14 at half-past 11, Court of Bankruptcy, London.—*Joseph Ich New*, Harrow-road, Paddington, Middlesex, clothier, April 11 at 11, Court of Bankruptcy, London.—*Stephen Evans*, Breedyrhaw, near Merthyr Tydfil, Glamorganshire, grocer, April 12 at 11, District Court of Bankruptcy, Bristol.

*To be granted, unless an Appeal be duly entered.*

*Michael Casey*, Baker-street, Portman-square, Middlesex, juvenile outfitter.—*William Cooke*, Stratford, Essex, miller.—*James T. Wheatley*, Cranmer-place, Waterloo-bridge-road, Surrey, lighterman.—*George Collier*, Hatton-garden, Middlesex, bookbinder.

## PARTNERSHIPS DISSOLVED.

*James Crosby and Ralph Compton*, Christchurch, Old Jerry, attorneys and solicitors.—*John Yonge and Frank Selby*, 62, Strand, Middlesex, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*A. F. Brard*, Glasgow, cotton spinner.—*A. McNaughtan*, Portree, Isle of Skye, Inverness-shire, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Hughes*, Liverpool, plasterer, April 4 at 10, County Court of Lancashire, at Liverpool.—*John Muir*, Liverpool, baker, April 4 at 10, County Court of Lancashire, at Liverpool.—*Alice Seddon*, Liverpool, beer-house keeper, April 4 at 10, County Court of Lancashire, at Liverpool.—*S. Mayor*, Liverpool, ship-store dealer, April 4 at 10, County Court of Lancashire, at Liverpool.—*Thos. Taylor*, Birmingham, baker, April 16 at 10, County Court of Warwickshire, at Birmingham.—*James Bond*, Shute, Bovey Tracey, Devonshire, labourer, April 16 at 10, County Court of Devonshire, at Newton Abbot.—*John Geves*, Leeds, Yorkshire, news-agent, April 1 at 10, County Court of Yorkshire, at Leeds.—*Corneilus Cokerley*, Cardiff, Glamorganshire, beer retailer, April 12 at 10, County Court of Glamorganshire, at Cardiff.—*Joseph Bond*, Hemel Hempstead, Hertfordshire, beer-house keeper,

March 30 at half-past 10, County Court of Hertfordshire, at St. Alban's.—*Henry Giles the elder*, Hertford, butcher, March 24 at 11, County Court of Hertfordshire, at Hertford.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 1 at 11, before Mr. Commissioner PHILLIPS.*

*Charles Halmkan*, Polygon, Clapham-common, Clapham, Surrey, dealer in china.—*Charles Kidd*, North-place, Ball's-pond-road, Middlesex, painter.—*R. Brown, jun.*, Vauxhall-street, Upper Kennington-lane, St. Mary, Lambeth, Surrey, out of business.

*April 2 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Taylor the elder*, New Inn-yard, Curtain-road, Shore-ditch, licensed metropolitan stage-carriage driver.—*The Rev. Charles Woodward*, Westbourne-grove, Paddington, Middlesex, clerk in holy orders.

*April 4 at 10, before Mr. Commissioner LAW.*

*E. A. Blackman*, widow, Bowling-green-lane and Tennis-court, King-st., Borough, Surrey, bacon drier.—*R. Burgess*, Huntsworth-mews, Dorset-square, Regent's-park, Middlesex, cab driver.—*Thomas Hinton*, Wilmer-gardens, Hoxton, Middlesex, hair-brush maker.—*Edward John Williams*, Albion-road, Dalston, Middlesex, out of business.

*April 4 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Bartlett*, West-row, Kensal New-town, Middlesex, out of business.—*Charles Snellgrove*, Lenham's-buildings, Friar's Mount, Church-st., Bethnal-green, Middlesex, carver and glider.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 1 at 11, before the CHIEF COMMISSIONER.*

*Wm. Ellard*, Union-terrace, Camden-road, Camden-town, Middlesex, builder.—*Wm. T. Norris*, Marshall-st., Golden-square, Middlesex, out of business.—*César Camille Barrabé*, Regent-st., Middlesex, clerk to a merchant.

*April 1 at 10, before Mr. Commissioner LAW.*

*Christopher Rawlings*, Hallsford-st., Lower-road, Islington, Middlesex, undertaker.—*Charles Brock*, Talbot-terrace, Clarendon-road, Notting-hill, Middlesex, butcher.—*Manning Gathercole*, Pitt-street, Commercial-road, Peckham, Surrey, out of business.—*Alfred Sibrey*, Drury-lane, Middlesex, greengrocer.—*Thomas Blackman*, High-street, Southwark, Surrey, out of business.—*William Jones*, Enfield, Middlesex, butcher.

*April 1 at 11, before Mr. Commissioner PHILLIPS.*

*George Hewlett Bailey*, Charles-st., Middlesex Hospital, Middlesex, surgeon.—*John Lee*, Westbourne-park-place, Paddington, Middlesex, baker.—*Jesse Smith*, Albany-road, Camberwell, Surrey, out of employ.—*Isidor Gluck*, Stratford-place, Oxford-street, Middlesex, doctor of medicine.—*John Phillips*, Murray-st., New North-road, Hoxton, Middlesex, cotton wadding manufacturer.—*George I. Cooke*, New-crane, Shadwell, Middlesex, grocer.

*April 2 at 11, before the CHIEF COMMISSIONER.*

*Frederick M. H. Sturt*, Arlington-street, New North-road, Islington, Middlesex, clerk to an East India army agent.

*April 2 at 10, before Mr. Commissioner LAW.*

*Charles W. Howell*, George-st., Grosvenor-sq., Middlesex, clerk to an auctioneer.—*Henry F. Holmes*, Providence-place, Canal-road, Mile-end, Middlesex, cowkeeper.—*Robert Watt*, Wood's-place, Shepherd's-bush, Middlesex, baker.—*George Hornblow*, St. Paul's-place, Westmoreland-road, Walworth, Surrey, out of business.—*John H. Chipperfield*, Bidborough-street, Judd-street, New-road, Middlesex, out of business.—*George Pound*, Dean-st., Soho-sq., Middlesex, lodging-house keeper.

*April 2 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Hare*, Grafton-st., Bond-st., Middlesex, gentleman.—*Nathaniel Franklin*, Queen's-row, Walworth, Surrey, car-



pentier.—*R. Simpson*, Knight's-place, Wandsworth-road, Surrey, baker.

#### MEETINGS.

*Joshua Mayston*, St. George's-road, Shepherd's-bush, Middlesex, classical tutor, April 2 at 11, Court-house, Portugal-street, Lincoln's-inn-fields, Middlesex, ch. ass.

### TUESDAY, MARCH 22.

#### BANKRUPTS.

**CHARLES LANE**, Hastings, Sussex, plumber, painter, and glazier, dealer and chapman, March 31 at 12, and April 28 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Hewitt, 6, Nicholas-lane, Lombard-street.—Petition filed March 9.

**JAMES ROGERSON HUNT**, Great Marlow, Buckinghamshire, tailor, draper, dealer and chapman, March 31 and April 28 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Spicer, 118, Chancery-lane.—Petition filed March 21.

**ROBERT BOND**, Mitre-court, Hatton-garden, Middlesex, wine merchant, dealer and chapman, April 4 at 12, and May 5 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Robinson & Hine, Charterhouse-square.—Petition filed March 21.

**JAMES HORDER**, late of Wimborne, Dorsetshire, market gardener, (but now a prisoner for debt in the Gaol of Dorchester), March 30 and May 3 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Wilde & Co., 21, College-hill, London.—Petition filed March 9.

**THOMAS BALLARD**, Southwick-place, Paddington, Middlesex, apothecary, April 1 at half-past 1, and May 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Randall, 56, Welbeck-st., Cavendish-square; Lawrence & Co., Old Jewry, London.—Petition dated March 17.

**THOMAS THORNE** the younger, Hastings, Sussex, plasterer, dealer and chapman, April 2 at 2, and May 7 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Hewitt, 6, Nicholas-lane, City.—Petition dated March 12.

**HENRY BUTT**, Mortimer-st., Cavendish-square, Middlesex, linendraper, dealer and chapman, April 5 at 1, and May 3 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Sole & Turner, 68, Aldermanbury, London.—Petition filed March 10.

**GEORGE AUGUSTUS EADES**, Landport, Portsea, Hampshire, grocer and tea dealer, April 2 at 12, and May 7 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Lawrence, 12, Broad-st., Cheapside.—Petition dated March 16.

**JOHN HOGGEN ROLFE**, Faversham, Kent, hosier and hatter, April 5 at 2, and May 3 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Lawrence, 12, Broad-st., Cheapside, London.—Petition filed March 14.

**RICHARD HENRY DAVIE**, Wellington, Somersetshire, money scrivener, dealer and chapman, March 31 at 1, and April 27 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Rodham, Wellington, Somersetshire; Stogdon, Exeter.—Petition filed March 18.

#### MEETINGS.

*W. Williams and Robert Mudge Merchant*, Great George-st., Westminster, Middlesex, and Liverpool, and Campden, Gloucestershire, contractors, April 1 at 12, Court of Bankruptcy, London, last ex.; at half-past 12, aud. ac.—*A. Mayer*, Throgmorton-street, London, merchant, April 1 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Henry Capper*, Gravesend, Kent, licensed victualler, April 1 at 11, Court of Bankruptcy, London, aud. ac.; April 8 at 11, div.—*S. Bradbury*, Holborn-hill, Middlesex, cheesemonger, April 1 at 11, Court of Bankruptcy, London, aud. ac.—*Richard Colls*, Charlton, Kent, builder, April 4 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Michael Casey*, Baker-st., Portman-square, Middlesex, juvenile outfitter, April 4 at 11, Court of Bankruptcy, London, aud. ac.—*Nathaniel Cobb*, Colchester, Essex, auctioneer, April 4 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Thornton*, St. John's-hill, Battersea, Surrey, carpenter, April 4 at 1, Court of Bankruptcy, London, aud. ac.—*Thomas Barnshaw*, Brunswick-place, Poplar, Middlesex, licensed retailer of beer, April 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*W. H. Percival*, Bloomsbury-square, Bloomsbury, and Edwards-

square, Kensington, Middlesex, bookseller, April 4 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Geo. Collier*, Hatton-garden, Middlesex, pocket-book mak April 4 at 12, Court of Bankruptcy, London, aud. ac.—*R. C. R. Cogg*, St. George's-terrace, Liverpool-road, Islington Middlesex, merchant, April 9 at 1, Court of Bankruptcy, London, div.—*Thomas Bull*, Greenwich, Kent, innkeeper, April 12, Court of Bankruptcy, London, div.—*John Ellis*, Northampton, builder, April 13 at half-past 1, Court of Bankruptcy, London, div.—*Henry Stagg*, Croydon, Surrey, grocer April 13 at 2, Court of Bankruptcy, London, div.—*Geo. Creed*, Hemel Hempstead, Hertfordshire, commission agent April 13 at half-past 1, Court of Bankruptcy, London, div.—*J. G. Marsh*, Church-street, Minories, London, carpenter April 13 at half-past 1, Court of Bankruptcy, London, div.—*Frank Castelli*, Bury-court, St. Mary-axe, London, merchant April 13 at 1, Court of Bankruptcy, London, div.—*Am. Cragfield*, Ty Mawr, Lanworne, Glamorganshire, coal mine April 15 at 11, District Court of Bankruptcy, Bristol, div.—*Henry Clarke*, Sheffield, Yorkshire, builder, April 16 at District Court of Bankruptcy, Sheffield, div.—*W. Beckitt*, Incaster, Yorkshire, money scrivener, April 16 at 1, District Court of Bankruptcy, Sheffield, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on before the Day of Meeting.*

*R. C. Rossmale Cogg*, St. George's-terrace, Liverpool-road, Islington, Middlesex, merchant, April 8 at 12, Court of Bankruptcy, London.—*J. W. Munch*, Beal's-wharf, Took street, Surrey, salesman, April 12 at 1, Court of Bankruptcy, London.—*Joseph Tall and John Mingay*, Crawford-street, Bryanstone-square, and Wellstead-yard, Seymour-pl., Bryanstone-square, and Titchbourne-street, Edgeware-road, Middlesex, mechanical tool manufacturers, April 13 at 11, Court of Bankruptcy, London.—*John Langdale*, Liverpool, lace-maker April 12 at 12, District Court of Bankruptcy, Liverpool.—*John Fletcher*, Bradford, Yorkshire, draper, April 12 at 1, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Charles Olivier*, New Bond-street, Middlesex, music seller.—*Charles Jacob*, Ingram-court, Fenchurch-street, London merchant.—*R. Bradburn*, Manchester, commission agent.

#### PARTNERSHIP DISSOLVED.

*Thomas Evered Poole and Frederick Ferdinand Armistead Steele*, Frome, Selwood, Somersetshire, attorneys-at-law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Cowan, Patton, & Co.*, Port-Glasgow, tanners.—*Samuel Johnston*, Edinburgh, tavern keeper.—*Janet Douglas*, deceased, Glasgow, carrier.—*William Greenest*, Chirnside, Wickshire, joiner.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy and have obtained an Interim Order for Protection of Process.*

*Mary Ann Knight*, widow, Toxteth-park, near Liverpool, out of business, April 4 at 10, County Court of Lancashire, Liverpool.—*C. Strawbridge*, Bristol, mason, March 30 at County Court of Gloucestershire, at Bristol.—*Charles W. Northfleet*, Kent, corn dealer, April 16 at 10, County Court of Kent, at Gravesend.—*T. P. London*, Bideford, Devonshire, cordwainer, April 7 at 10, County Court of Devonshire, Bideford.—*H. Seldon*, Buckland Brewer, Devonshire, brewer, April 7 at 10, County Court of Devonshire, at Bideford.—*John Cas*, Langstone, Havant, Southampton, licensed victualler, April 20 at 11, County Court of Hampshire, Portsmouth.—*Aaron Broadbent*, Commercial Brown Gull, Cheshire, out of employment, March 30 at 11, County Court of Cheshire, at Hyde.—*Morris Jacob*, Nottingham, jeweller, April 7 at 9, County Court of Nottinghamshire, at Nottingham.—*William Henry Morrison*, Nottingham, commission agent, April 7 at 9, County Court of Nottinghamshire, Nottingham.—*George T. Mann*, Newborough, Northamptonshire, farmer, April 11 at 12, County Court of Northamptonshire, at Peterborough.—*James Richard Strubb*, Gillingham, Kent, market gardener, April 14 at 10, County Court of Kent, at Rochester.—*Joseph Blakmore*, Dawley, Shropshire, shoe manufacturer, April 16 at 10, County Court of Shropshire, at Dawley.

hire, at Madeley.—*Edmund Little*, Lea, Herefordshire, atcher, April 23 at 10, County Court of Herefordshire, at loss.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 5 at 11, before the CHIEF COMMISSIONER.*

*John Titley*, Elizabeth-place, Asylum-road, Old Kent-road, Surrey, out of business.—*Thomas J. Algar*, Page-st., Regent-street, Westminster, Middlesex, herald painter.—*J. Bennett*, Copenhagen-st. West, Caledonian-road, Islington, Middlesex, out of business.—*Wm. S. Gray*, High-street, Camden-town, Middlesex, auctioneer.—*Wm. S. Elms*, Chryssell-road, North Minton, Surrey, carman.

*April 6 at 11, before the CHIEF COMMISSIONER.*

*George Bilton the younger*, Wilson-terrace, Bromley, Kent, chemist.—*Joseph Dorey*, Woolwich, Kent, tea dealer.—*Wm. Cook*, King-street, New North-road, Islington, Middlesex, furniture dealer.—*Alexander Henry Johnson*, Poppin's-court, Fleet-street, London, carpenter.—*Richard James Dannan*, Brixton-terrace, Upper Holloway, Middlesex, out of business.—*Edwin C. Peebles*, Woodbridge-street, Clerkenwell, Middlesex, out of business.—*Thomas Corbey*, Ranelagh-mews, Port-st., Camden-town, Middlesex, livery-stable keeper.

*April 6 at 10, before Mr. Commissioner LAW.*

*Wm. Ward*, Grange-road, Bermondsey, Surrey, out of business.—*W. H. Manners*, Lower Marsh, Lambeth, Surrey, hapman to an oil and colour man.—*Wm. Smith*, St. Mary-E-Hill, Lower Thames-st., London, carpenter.—*J. Nightingale*, Water-lane, Brixton-hill, Surrey, tea dealer.

*Saturday, March 19.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*George Maunder*, Updownman, Devonshire, farmer, out of business, No. 70,073 C.; *Robert J. Croase*, assignee.—*Joseph Tuge*, Manchester, carter, No. 75,997 C.; *James Louks*, assignee.—*Samuel Raistrick*, Leeds, Yorkshire, out of business, No. 76,154 C.; *Robert Atkinson*, assignee.—*Joseph Smith*, Wolverhampton, Staffordshire, retailer of spirituous liquors, No. 76,194 C.; *James C. Lister* and *Thomas York*, assignees.

*Saturday, March 19.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Edgar H. Longstaff*, High-st., Camden-town, Middlesex, out of business: in the Queen's Prison.—*William Cutress*, Winchester-place, Southwark-bridge-road, Southwark, Surrey, builder: in the Queen's Prison.—*George Rees*, Ives-street, Marlborough-road, Chelsea, Middlesex, travelling tinker: in the Debtors Prison for London and Middlesex.—*Thomas Milner*, Canterbury-grove, Lower Norwood, Surrey, plumber: in the Gaol of Surrey.—*Theodore Williams*, Hendon, Middlesex, clerk: in the Queen's Prison.—*Thomas Browne*, Coleman-st., Arlington-sq., Islington, Middlesex, embroiderer: in the Debtors Prison for London and Middlesex.—*James D. Hebert*, New Gloucester-place, Hoxton New-town, Middlesex, out of business: in the Queen's Prison.—*Edward Ebenezer Gamblett*, Raymond-buildings, Gray's-inn, Middlesex, attorney-at-law: in the Queen's Prison.—*Fredk. Patten*, Alfred-place, Bedford-sq., Middlesex, captain in her Majesty's Navy on half-pay: in the Queen's Prison.—*George Wm. Dyson*, South-square, Gray's-inn, Middlesex, in no occupation: in the Queen's Prison.—*Hannah Wicks*, Berwick-street, Soho, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Henry Dowland*, Bemerton-terrace, Caledonian-road, Middlesex, broker: in the Debtors Prison for London and Middlesex.—*Catherine S. Reeve*, Victoria-road, Finsbury, Middlesex, stationer: in the Debtors Prison for London and Middlesex.—*J. Crisp*, Queen's-road West, Chelsea, Middlesex, lieutenant in her Majesty's Navy on half-pay: in the Debtors Prison for London and Middlesex.—*G. Paine*, Preston-st., Walworth-road, Surrey, coachbuilder: in the Gaol

of Surrey.—*Wm. H. Bidmead*, Brownlow-street, Holborn, Middlesex, engraver: in the Debtors Prison for London and Middlesex.—*A. Cook*, Shaftesbury-st., Hoxton, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*J. Vaughan*, Belgrave-st. South, Fimlico, Middlesex, coachbuilder: in the Debtors Prison for London and Middlesex.—*Henry Wm. Legg*, Reading, Berkshire, warehouseman: in the Gaol of Reading.—*Wm. Huddleston*, Lancaster, slater: in the Gaol of Lancaster.—*Thomas Platt*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Platts*, Ashford-in-the-Water, Derbyshire, pork butcher: in the Gaol of Derby.—*Frederick Foreman*, Ipswich, Suffolk, cabinet maker: in the Gaol of Ipswich.—*William Calvert*, Lumley, Durham, grocer: in the Gaol of Durham.—*Thomas Lloyd*, Greenfield-cottage, Carmarthenshire, draper: in the Gaol of Carmarthen.—*Alfred Young*, Rochester, Kent, licensed victualler: in the Gaol of Maidstone.—*John Brown*, Burslem, Staffordshire, potter: in the Gaol of Stafford.—*Richard Wm. James*, Wolverhampton, Staffordshire, draper's assistant: in the Gaol of Stafford.—*Andrew T. Edge*, Maidstone Barracks, Maidstone, Kent, private soldier in her Majesty's 9th regiment of Lancers: in the Gaol of Maidstone.—*Thomas Rolfe*, Rochester, Kent, out of business: in the Gaol of Maidstone.—*T. Poolly*, Maidstone, Kent, lime merchant: in the Gaol of Maidstone.—*John Muliachap*, St. Helen, Worcestershire, tailor: in the Gaol of Worcester.—*Wm. Marshall*, Ashton, Warwickshire, managing clerk to an attorney: in the Gaol of Coventry.—*Henry Best*, Queen's Head, near Halifax, Yorkshire, grocer's assistant: in the Gaol of York.—*Abraham Troumin*, Blackheath, Kent, physician: in the Gaol of Maidstone.—*Wm. Hutton*, Eccles-hill, near Bradford, Yorkshire, clothier: in the Gaol of York.—*Edmund Kiddle*, Moretonhampstead, Devonshire, miller: in the Gaol of St. Thomas the Apostle.—*Henry J. Willett*, Liverpool, clerk to the City of Dublin Steam-packet Company: in the Gaol of Lancaster.—*Z. Mellor*, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*Joseph Sutton*, Moeton, near Sandbach, Cheshire, out of business: in the Gaol of Lancaster.—*John Vero*, Liverpool, out of business: in the Gaol of Lancaster.—*Robert G. Watson*, Ipswich, Suffolk, out of business: in the Gaol of Ipswich.—*Thomas Hales*, Tatenhill Lock, near Burton-upon-Trent, Staffordshire, traveller: in the Gaol of Coventry.—*Edward Searle*, Upper Woodlands, Clifton-park, Birkenhead, Cheshire, out of business: in the Gaol of Chester.—*Jacob Cottrell*, Stretford, near Manchester, greengrocer: in the Gaol of Lancaster.—*R. H. Mangnall*, Manchester, grocer: in the Gaol of Lancaster.—*James Morris*, Bolton-le-Moors, Lancashire, provision dealer: in the Gaol of Lancaster.—*William Taylor*, Chorlton-upon-Medlock, Manchester, auctioneer: in the Gaol of Lancaster.—*Richard Fish*, Buxton, Derbyshire, joiner: in the Gaol of Derby.—*George Wallingford*, Ryde, Isle of Wight, Southampton, ironmonger: in the Gaol of Winchester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 5 at 11, before the CHIEF COMMISSIONER.*

*Charles Thomas Webb*, Denbigh-street, Fimlico, Middlesex, commission agent.

*April 5 at 10, before Mr. Commissioner LAW.*

*Richard William Webb*, Surrey-street, Strand, Middlesex, attorney-at-law.—*George Lidiard*, Britannia-place, Bishopsgate-street, London, licensed victualler.—*J. B. Davies*, Bond-court, Walbrook, London, and Southgate-road, De Beauvoir-town, Hackney, Middlesex, wine cooper.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at MANCHESTER, April 4.*

*Peter Cheer*, Manchester, machine maker.

*At the County Court of Essex, at CHELMSFORD, April 7 at 12.*

*Wm. Plastow*, Great Coggeshall, seed grower.

*At the County Court of Leicestershire, at LEICESTER, April 13.*

*Wm. Hoult*, Belton, out of business.

*At the County Court of Worcestershire, at WORCESTER, April 13.*

*Henry Randel*, Hanbury and Hadzor, coal dealer.

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LONDON, APRIL 2, 1853.

Of the measures shortly to be brought before Parliament by her Majesty's Ministers, one peculiarly interesting to the legal profession is the promised bill relating to Charitable Trusts.

Certainly, lawyers have, in some respects, the best reason to know how sorely legislation on this subject is required. Every man of common honesty among us must have had occasion to deplore the evils for which the comprehensive mind of Sir Samuel Romilly contrived but an imperfect remedy. No one, who has watched the progress of a litigation concerning charity property, can have failed to have been struck with the inapplicability of equity jurisdiction to the exigencies of these kind of interests. But we doubt whether even the legal profession is fully aware of the magnitude and extent of the abuses to which charities are subject, of the nature of the property and trusts of the majority of the charities themselves, and of many other circumstances relating to them which must carefully be taken into consideration in devising a legislative scheme for the inexpensive remedy of the existing evils affecting charitable trusts, and for securing in future their better administration.

Having paid some attention to the subject, we propose to canvass, when it shall appear, the Ministerial scheme, or at least to lay before our readers some of the material considerations relating to the proposals which may be made, feeling certain that any real improve-

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ment will be hailed with acclamation by the intelligence of the Profession, and cordially received without any *arrière pensée*, on account of the profit to lawyers which the defects of the existing system do certainly occasion.

In anticipation, then, of the announcement to be made in Parliament on Monday next, we offer to the notice of the Profession some of the facts and possibilities which must materially influence the measures of the Government.

There are large sources upon which to draw for information on this subject. Four commissions sat from 1818 to 1837, with only two intervals of seventeen and fourteen months in their labours, to inquire into the condition of public charities. Their Reports fill thirty-eight folio volumes. These concern 28,840 charities, whose aggregate yearly income is 1,209,395*l.*, of which 58,187*l.* is divided among 17,972 charities, each having an income under 10*l.* a year, and their average being 3*l.* 4*s.* 9*d.* per annum, while only 209 charities possess incomes of more than 500*l.* a year. To apply the cumbersome and costly machinery of ordinary Chancery proceedings to solve the numerous nice questions which arise in relation to such minute interests, and to correct their inevitable abuses, must necessarily produce consequences of exaggerated absurdity. In those cases in which suits have been instituted, the costs being payable out of the charity fund, and that fact being present to the knowledge of all parties concerned, of whom some at least had probably little interest in the preservation of

the charity, the result has been not seldom the total destruction of the charity, by its funds being swallowed up in costs. The alternative has been often an abuse of the purposes of a small charity, by the misapplication, sometimes to positively injurious and even vicious ends, of the whole of their income, the persons interested feeling their inability to remedy the evil without destroying the subject of it altogether.

In the case of the larger charities, the Reports to which we refer shew that abuses in their administration have been permitted to exist, and continue, simply because it was no one's business in particular to prevent or cure them. Practically the Court of Chancery only takes cognisance of such matters when informed of them by the Attorney-General, at the instance of some third party as a relator, or by the petition of two interested persons, in cases within Sir S. Romilly's Act. But the parties most interested in charities are commonly the last persons in the world to be aware of this right which they have, or, if cognisant of it, to possess the necessary influence, education, knowledge of business, or indeed any quality, to enable them successfully to conduct proceedings in Chancery. Accordingly, when instituted at all, these litigations have generally been, in fact, originated and carried on by persons not especially interested in bringing them to a conclusion, and they have consequently dragged slowly along, accumulating costs by the very delay, to a shameful and ruinous amount. Sometimes the picture is painted in darker colours. There was one notable case which may be mentioned as an illustration. We speak with the highest authority for the truth of the story lying at this moment before us. To the shame of our Profession it is told, that though the worst, it is not the only case of the kind. (See Report 32, pp. 1—4). An attorney, for his own particular advantage, filed informations against a large number of charities in London and elsewhere, and grew fat in this manner upon the spoil pillaged from widows and orphans. These are matters over which, at present, there is no efficient control in the Court of Chancery, or indeed, practically, anywhere else. There is no jurisdiction which *suo motu* watches for, in order to correct or prevent, the mal-administration or misappropriation of the funds of public charities.

Again: the power of the Court of Chancery is extremely limited in another respect. Wealth's last caprice is seldom more capriciously exercised than in conferring benefits of this kind. We read, without surprise, of a gift in trust to apply the proceeds in giving snuff to six poor women at a certain time every year; or again, to provide each of the inmates of a certain workhouse, above sixty years of age, with a pint of porter. (*The Attorney-General v. Vint*, 3 De G. & S. 704). Sometimes the object is vague, often pernicious, occasionally impossible. The power of the Court of Chancery to direct *a cy près* administration of the trust is exceedingly limited, and if a jurisdiction were contrived to which application might more easily and cheaply be made, it would be wise and well to place in some sufficiently responsible hands a much larger discretion in this respect. But the main point is to establish such a jurisdiction, taking into consideration the nature of the evidence required, the difficulty and expense of collecting it, and the propensity of costs to accumulate unnecessarily in public suits concerning property which belongs to no one sufficiently interested to preserve it. These are the first difficulties with which Government has to deal, and the public expect from them a comprehensive measure, which shall grapple fairly with the subject, without fear or favour to any one. To such an effort of legislation ready support will be given by all classes interested in the proper administration of charitable trusts, which is a matter of no small importance in our social economy; and, we repeat it, to such a measure

all the intelligence and high principle of the legal Profession will yield a disinterested and hearty assent.

### ON THE EXTINGUISHMENT OF A MORTGAGE IN THE HANDS OF A PURCHASER OF THE EQUITY OF REDEMPTION.

(Continued from p. 108).

It will thus be seen that *Toulmin v. Steere* was decided on the ground that there was no distinction between actual and constructive notice with reference to the question at issue, and that one purchasing an equity of redemption cannot set up a prior mortgage against subsequent incumbrances of which he has constructive notice. We have already shewn that the distinction between express and constructive notice is vital, and it is now the well-settled practice, sanctioned by judicial dictum, to rely on certain mere forms on the occasion of purchasing an equity of redemption, or of getting in a first mortgage, as sufficient to entitle the purchaser of the equity of redemption to set up the first charge against mesne incumbrances of which he has only constructive notice. Our present object is to shew that those forms (though it is highly expedient to observe them until *Toulmin v. Steere* is overruled) are not, as they ought not to be in a question of equity, of any importance. Indeed, to allow any efficacy to such forms is to overrule the decision in *Toulmin v. Steere*, where the Court evidently founded its judgment on the substance of the transaction, and gave no hint that any variation in the form of the conveyance could have improved the position of the purchaser; and if, as Sir W. Grant decided, the principles of equity require that the first mortgagee, taking a conveyance to himself of the equity of redemption with constructive notice of a second mortgage, should not be allowed to set up his own charge against the other, it would be a gross perversion of equity to hold that he may do so if he goes through the form of taking a conveyance of the equity of redemption to a trustee. The trustee is a mere fiction; by the contract, if it is in writing, or by the declaration of trust, the mortgagee becomes in equity the owner of the estate, and there is nothing to leave outstanding in a trustee. Nor can it be necessary to go through such a form for the purpose of negating the presumption of an intention to merge or extinguish the first charge. It was not on that ground that *Toulmin v. Steere* was decided; and we have already shewn, on the authority of the same judge, that there is no merger in equity where it is for the benefit of the party that there should be none.

*Toulmin v. Steere* was founded on no authority, and has never been followed, though it must be admitted that it has been cited with respect, and that there is a class of cases which are generally supposed to have been decided on the same principle. We shall shew that the circumstances in all these cases were essentially different. In *Gregg v. Arrott*, (Lloyd & G., t. Sugd., 251), Sir E. Sugden, C., said of *Toulmin v. Steere*, "That case went further than any previous authority; and Sir S. Romilly and I thought it at the time wrong, and recommended an appeal, but a relative of the party charged preferred paying the money to encountering any further litigation." And in *Watts v. Symes*, (1 De G., Mac., & G. 240), Sir J. L. Knight Bruce, L. J., said, "It is plain that a person who borrows money cannot be his own creditor, or set up an incumbrance of his own against his creditor. But *Toulmin v. Steere* carried the proposition a step further, and applied the same rule to a man who acquired an equity of redemption, as to the original mortgagor. That decision proceeded upon two previous decisions. The language of Sir W. Grant is this—'The cases of *Greswold v. Marsham* and *Mocatta v. Murgatroyd* are

express authorities to shew that one purchasing an equity of redemption cannot set up a prior mortgage of his own, nor consequently a mortgage which he has got in, against subsequent incumbrances.' With the greatest deference to the authority of that eminent judge, I have always doubted, and still doubt, whether the cases mentioned by him go that length." That they do not support the decision in *Toulmin v. Steere* is perfectly clear. *Greswold v. Marsham* is thus reported—"There was due to Marsham 4000*l.* upon a mortgage made to him of lands. The mortgagor, after the mortgage, acknowledged judgments to other persons for other monies due. Two of those persons to whom the judgments were given gave notice to Mr. Marsham of their judgments, and desired him to accept of his money that was due upon the mortgage, which they said they were ready to pay him, and desired him to appoint a time when, and they would pay him his money within a fortnight, to the intent that, his mortgage being out of the way, they might take execution on their judgments; but proved not any money actually tendered. But afterwards Marsham exhibited a bill against the mortgagor, and had a decree to foreclose him of redemption, and afterwards took a further absolute conveyance from the mortgagor for a considerable sum of money. And now the two creditors had a decree against Marsham to pay them their money; but Powel, the third creditor, had no relief, because he gave no notice in time of his judgment." Whether the decree was for payment beyond the value of a moiety of the equity of redemption does not appear. But there is no reason to suppose that the creditors got any further relief than the opportunity of redeeming the mortgage, if the defendant refused to pay them off. As the judgments were a general lien on all the debtor's lands there, he had no equity to be indemnified by Marsham. But it is sufficient to observe that in this case the notice was express.

In *Mocatta v. Murgatroyd* (1*P.* Wms. 393) the notice was also express. There the owner of a ship made a first mortgage, then a second mortgage, to which the first mortgagee was a witness, without disclosing the first mortgage. No notice of the mortgages was indorsed on the bill of sale, and the second mortgagee afterwards intrusted the bill of sale to the mortgagor, who made several subsequent mortgages of several parts of the ship, which were indorsed on the bill of sale, and the bill of sale was afterwards returned to the second mortgagee, who made no complaint of the indorsement; ultimately the second mortgagee took a release of the equity of redemption. Lord Cowper, C., held, that the first mortgagee, being a witness to the second mortgage, must be postponed, and that the second mortgagee, having intrusted the mortgagor with the bill of sale, and having made no complaint of the indorsements of the subsequent mortgages, must be taken to have assented to them, so as to give them a preference. His Lordship added, that though the second mortgagee took a release of the equity of redemption, yet this did not oblige him to pay the intermediate mortgages, provided he would still waive the release made to him of the equity; from which it is to be inferred that the mortgagor sought to enforce against the second mortgagee the usual right of a vendor of an equity of redemption to indemnity. The reason for depriving him of that right is not apparent. (See *Brown v. Stead*, 5 Sim. 535).

In *Parry v. Wright*, (1 Sim. & S. 369; 5 Russ. 148), which is generally cited in connexion with *Toulmin v. Steere*, the question was wholly different, and it does not appear that the Court expressed any approval of Sir W. Grant's doctrine. There an estate in 1807 was conveyed to Madocks, expressly subject to a mortgage to Mostyn and a second mortgage to the plaintiff. The purchase money was expressed to be 8300*l.*, out of

which Madocks was to retain 5010*l.* to pay off the mortgages. The purchaser was thus expressly bound to indemnify the mortgagor against both mortgages; and when, three years afterwards, the first mortgage was paid off, and the legal estate conveyed to a trustee, and by a deed of even date executed by Madocks and the trustee an annuity was granted to Wright, and charged on the estate, it was of course held, that Wright, having, by the deed of 1807, constructive notice of the plaintiff's mortgage, (and of the mortgagor's right to be indemnified against it), could not set up the legal estate so as to defeat that mortgage.

*Brown v. Stead* (5 Sim. 535) was the simple case of a purchase of the equity of redemption by a second mortgagee, who covenanted to pay off the first and a third mortgage, and who, in a foreclosure suit by the parties entitled to the first and third mortgages, was held not entitled to be paid his debt in priority to the third mortgagee, though he offered to waive the conveyance of the equity of redemption. *Smith v. Phillips*, (1 Kee. 694); *Garnett v. Armstrong*, (4 Dru. & W. 182); *Farrow v. Roes*, (4 Beav. 18); and *Medley v. Horton*, (14 Sim. 226), were all cases of express notice, and in none of them did the Court rely on, or even recognise, the case of *Toulmin v. Steere*. In *Squire v. Ford*, (9 Hare, 60), *Toulmin v. Steere* was cited with approbation by the Court, but it was not acted upon.

The result appears to be, that the doctrine in *Toulmin v. Steere* is untenable in principle—has never been acted on in any other case—and that there is at least as much authority for condemning as for approving of it.

### Court Papers.

#### EQUITY SITTINGS, PREVIOUS TO AND IN EASTER TERM, 1853.

##### Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.  
Previous to Easter Term.

Tuesday ...	April 12	Appeal Motions and Appeals.
Wednesday .....	13	{ (Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	14	Appeals.

##### Easter Term, at Westminster.

Friday .....	15	Appeal Motions and Appeals.
Saturday .....	16	
Monday .....	18	Appeals.
Tuesday .....	19	
Wednesday .....	20	{ (Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	21	Appeal Motions and Appeals.
Friday .....	22	
Saturday .....	23	Appeals.
Monday .....	25	
Tuesday .....	26	
Wednesday .....	27	{ (Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	28	Appeal Motions and Appeals.
Friday .....	29	
Saturday .....	30	Appeals.
Monday ...	May 2	
Tuesday .....	3	
Wednesday .....	4	{ (Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	5	Appeal Motions and Appeals.
Friday .....	6	Appeals.
Saturday .....	7	
Monday .....	9	Appeal Motions and Appeals.

N. B.—The days his Lordship attends in the House of Lords excepted.

Before the LORDS JUSTICES, at Lincoln's Inn.  
Previous to Easter Term.

Tuesday ..	April 12	(Seal-day).—Appeal Motions.
Wednesday .....	13	
Thursday .....	14	Appeals.

*Easter Term, at Westminster.*

Friday .....	15	Appeal Motions.
Saturday .....	16	
Monday .....	18	Appeals.
Tuesday .....	19	
Wednesday .....	20	
Thursday .....	21	Appeal Motions.
Friday .....	22	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	23	
Monday .....	25	Appeals.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Appeal Motions.
Friday .....	29	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	30	
Monday .... May 2		Appeals.
Tuesday .....	3	
Wednesday .....	4	
Thursday .....	5	Appeal Motions.
Friday .....	6	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	7	Appeals.
Monday .....	9	Appeal Motions.

N. B.—The days on which the Lords Justices shall be engaged at the Judicial Committee of the Privy Council excepted.

*Vice-Chancellors' Courts.*

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Lincoln's Inn.*

*Previous to Easter Term.*

Tuesday ... April 12	(Seal-day).—Motions.
Wednesday .....	13 { (Petition-day).—Petitions (unopposed first).
Thursday .....	14 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

*Easter Term, at Westminster.*

Friday .....	15	Motions.
Saturday .....	16	Short Causes, Short Claims, and General Paper.
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	19	
Wednesday .....	20	
Thursday .....	21	Motions.
Friday .....	22	(Petition-day).—Petitions (unopposed first).
Saturday .....	23	Short Causes, Short Claims, and General Paper.
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Motions.
Friday .....	29	(Petition-day).—Petitions (unopposed first).
Saturday .....	30	Short Causes, Short Claims, and General Paper.
Monday .... May 2		Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	3	
Wednesday .....	4	
Thursday .....	5	Motions.
Friday .....	6	(Petition-day).—Petitions (unopposed first).
Saturday .....	7	Short Causes, Short Claims, and General Paper.
Monday .....	9	Motions.

N. B.—Unopposed Petitions at the sitting of the Court, not exceeding ten, (except Seal-day).

*Before Vice-Chancellor STUART, at Lincoln's Inn.*

*Previous to Easter Term.*

Tuesday ... April 12	(Seal-day).—Motions.
Wednesday .....	13 { Short Causes, Short Claims, and Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	14 General Paper.

*Easter Term, at Westminster.*

Friday .....	15	Motions.
Saturday .....	16	General Paper.

Monday .....	18	Petitions (unopposed first).
Tuesday .....	19	Short Causes, Short Claims, and General Paper.
Wednesday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	21	Motions.
Friday .....	22	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	23	Petitions (unopposed first).
Monday .....	25	Short Causes, Short Claims, and General Paper.
Tuesday .....	26	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	27	Motions.
Thursday .....	28	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	29	Petitions (unopposed first).
Saturday .....	30	Short Causes, Short Claims, and General Paper.
Monday .... May 2		Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	3	Motions.
Wednesday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	6	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	7	Motions.
Monday .....	9	Motions.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*  
*Previous to Easter Term.*

Tuesday .. April 12	(Seal-day).—Motions and Claims.
Wednesday .....	13 { (Petition-day).—Petitions (unopposed first).
Thursday .....	14 { Short Causes, Short Claims, and General Paper.

*Easter Term, at Westminster.*

Friday .....	15	Motions and Claims.
Saturday .....	16	
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	19	
Wednesday .....	20	
Thursday .....	21	Motions and Claims.
Friday .....	22	Petitions, (unopposed first), Short Causes, Short Claims, and General Paper.
Saturday .....	23	
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Motions and Claims.
Friday .....	29	Petitions, (unopposed first), Short Causes, Short Claims, and General Paper.
Saturday .....	30	
Monday .... May 2		Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	3	
Wednesday .....	4	
Thursday .....	5	Motions and Claims.
Friday .....	6	Petitions, (unopposed first), Short Causes, Short Claims, and General Paper.
Saturday .....	7	General Paper.
Monday .....	9	Motions and Claims.

*London Gazette.*

FRIDAY, MARCH 25.

## BANKRUPTS.

MARY ANNE DOWNES, Norwich, and Spalding, Lincolnshire, draper and clothier, April 5 at 1, and May 5 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrence, 12, Bread-street, Cheapside.—Petition filed March 15.

WILLIAM MARTIN, Colchester, Essex, tailor and woollen-draper, April 5 at half-past 2, and May 3 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Wilson, 16, Gresham-street, London.—Petition filed March 24.

HENRY FISHER, Nottingham, tailor, April 8 and May 6 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Shilton & Son, Nottingham.—Petition dated March 19.



ONALD SINCLAIR, Bath-place, Peckham, Surrey, apothecary, chemist, dealer and chapman, March 30 at 1, and May 3 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry Chambers.—Petition filed March 19.

JORGE HENNET, Duke-street, Westminster, Middlesex, railway contractor and ship owner, dealer and chapman, April 16 and May 21 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. M'Leod & Stenning. London-street, Fenchurch-street.—Petition filed March 19.

JOMAS HAMBLET, GEORGE WARREN, and NATHANIEL WILLIAM DOBESON, Brotherton, Yorkshire, glass manufacturers, (trading under the style or firm of Hamblet, Warren, & Co.), April 14 and May 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Carriss & Cudworth, Leeds.—Petition dated March 17.

UBERT LIDDELL, Doncaster, Yorkshire, saddler, April 9 and May 7 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Young; Sol. Sheardown, Doncaster.—Petition dated March 18.

EBCCA ALLEN, Alfretton, Derbyshire, innkeeper, dealer and chapwoman, April 9 and May 7 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Young; Sol. Ingle, Belper.—Petition dated March 14.

#### MEETINGS.

William John Bowden, Ware, Hertfordshire, apothecary, April 7 at 1, Court of Bankruptcy, London, pr. d.—William M. Birkenhead, Cheshire, estate agent, April 5 at 11, District Court of Bankruptcy, Liverpool, pr. d.—Robt. Wilson, May-street, London, merchant, April 5 at 11, Court of Bankruptcy, London, pr. d.—B. Mercer Burroughs, Liverpool, ironmonger, April 6 at 11, District Court of Bankruptcy, Liverpool, last ex.—Henry Clayburn, Hulme, Manchester, Alder, April 5 at 12, District Court of Bankruptcy, Manchester, last ex.—Andrew Fraser, Newcastle-upon-Tyne, corn merchant, April 6 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—John Lockyer, Clerkwell-green and St. John's-square, Middlesex, metal wareman, April 7 at 2, Court of Bankruptcy, London, aud. ac.—Edward Parker, Cheapside, London, and Chadwell-street, John-street-road, Middlesex, stationer, April 5 at 12, Court of Bankruptcy, London, aud. ac.—Abraham Chadwick, Kewledge, Rochdale, and Fair View, near Littleborough, Lancashire, cotton spinner, April 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.: April 15 at 12, div.—William Hodgson, Lancaster, watchmaker, April 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Geo. Procktor, Joseph Procktor, and Thos. Procktor, Rochdale, Lancashire, spinners, April 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Hugh Panton, Thomas Wm. Panton, George Forster, and John W. Morley, Sunderland, Durham, iron manufacturers, April 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Charles M. Adams and Charles Warren, Shrewsbury and Market Drayton, Shropshire, bankers, April 21 at 12, District Court of Bankruptcy, Birmingham, aud. ac.: April 28 at 12, fin. div.—Jos. Price, Birmingham, jeweller, April 9 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—J. Lee, Liverpool, merchant, April 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Ebenezer Tipping, Liverpool, soap boiler, April 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Thomas Ball and Ambrose Champ, Liverpool, provision dealers, April 11, District Court of Bankruptcy, Liverpool, aud. ac.—Wm. Evans, Borthwen, Llangelynin, Merionethshire, miller, April 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Thomas Strickland and Thomas N. Brickwood, Liverpool, merchants, April 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Thomson and Wm. Leith, Liverpool, timber merchants, April 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of J. Thomson.—Mary Clarke, Sheffield, Yorkshire, builder, April 16 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—John P. Mansfield, Dewsbury, Yorkshire, innkeeper, April 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.—William Beckitt, Doncaster, Yorkshire, money scrivener, April 16 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—Joseph Gosnell, Cleckheaton, Yorkshire, corn miller, April 5 at 11, District Court of Bankruptcy, Leeds, aud. ac.—Thos. Chew and John Chew, Little Moorfields, Cripplegate Without, London, livery-stable keeper, April 15 at 12, Court of Bankruptcy, London, div.—William Robinson, Maidstone, Kent,

linendraper, April 19 at 11, Court of Bankruptcy, London, div.—W. Hollamby, Hurstperpoint, Sussex, grocer, April 19 at 11, Court of Bankruptcy, London, div.—William Bacon, Brentwood, Essex, grocer, April 19 at 12, Court of Bankruptcy, London, div.—Thos. Pearman, Cold Harbour-road, Brixton, Surrey, builder, April 19 at 12, Court of Bankruptcy, London, div.—Edward Churton, Holles-street, Cavendish-square, Middlesex, bookseller, April 21 at 1, Court of Bankruptcy, London, div.—Edward Sole Manico, Mark-lane, London, merchant, April 21 at 2, Court of Bankruptcy, London, div.—Joseph Roberts, Aberystwith, Cardiganshire, draper, April 22 at 11, District Court of Bankruptcy, Bristol, div.—John Holliswell and George Highfield, Liverpool, merchants, April 19 at 11, District Court of Bankruptcy, Liverpool, fin. div.—Alexander Smith and Thomas Irvine, Liverpool, merchants, April 15 at 11, District Court of Bankruptcy, Liverpool, fin. div.—Edward Foster, Sheffield, Yorkshire, grocer, April 16 at 1, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

George Benjamin Costerton, Great Yarmouth, Norfolk, merchant, April 26 at half-past 11, Court of Bankruptcy, London.—George Milton, Elizabeth-terrace, Liverpool-road, Islington, Middlesex, builder, April 15 at 12, Court of Bankruptcy, London.—George Bendon, Bristol, glass dealer, April 18 at 11, District Court of Bankruptcy, Bristol.—John James Pearce, Kenton, Devonshire, baker, April 27 at 11, District Court of Bankruptcy, Exeter.—Abraham Skelton, Mount Tabor, Ovenden, Halifax, Yorkshire, stone delver, April 15 at 11, District Court of Bankruptcy, Leeds.

To be granted, unless an Appeal be duly entered.

Daniel Merewether Ford, Blossoms Inn, Lawrence-lane, Cheapside, London, carrier.—Patrick Cowan, Skinner-street, Snow-hill, London, brassfounder.—Wm. Hollamby, Hurstperpoint, Sussex, grocer.—John Miller, Conduit-street West, Paddington, Middlesex, corn dealer.—Henry John Michael Meyers, Philpot-lane, Fenchurch-st., London, commission merchant.—John Chisholm, Dorking, Surrey, and Ludgate-hill, London, wholesale perfumer.—Henry Jas. Gunning, Okehampton, Devonshire, surgeon.—Samuel Gubb, Exeter, innkeeper.—Wm. Walton, Leamington-priors, Warwickshire, baker.—Wm. Byrom, Henry Taylor, and Thomas Byrom, Manchester, Liverpool, and Wigan, Lancashire, coal proprietors.

#### SCOTCH SEQUESTRATIONS.

Ruck, Turner, & Co., Glasgow, merchants.—Jas. Gordon, jun., Inverness, draper.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Charles Harrison, Kingston-upon-Hull, out of business, April 15 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—George Wheldale, Kingston-upon-Hull, painter, April 15 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—Robert Thomas Arton, Preston, Holderness, Yorkshire, agricultural labourer, April 15 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—Wm. Dewick, Kingston-upon-Hull, upholsterer, April 15 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—Benj. Barlow, Wolverhampton, stonemason, April 16 at 9, County Court of Staffordshire, at Wolverhampton.—John Badger, Coven Lawn; Brewood, Staffordshire, stock lock manufacturer, April 16 at 9, County Court of Staffordshire, at Wolverhampton.—Charles Allen, Walsall, Staffordshire, saddle maker, April 8 at half-past 9, County Court of Staffordshire, at Walsall.—W. Carr, Hexham, Northumberland, painter, April 18 at half-past 11, County Court of Northumberland, at Hexham.—W. Leonard, Chain Bridge-end, Warden, Northumberland, millwright, April 18 at half-past 11, County Court of Northumberland, at Hexham.—Smith Wilson, Horsley, Ovingham, Northumberland, joiner, April 18 at half-past 11, County Court of Northumberland, at Hexham.—Jos. French, North Shields, Northumberland, gentleman, April 22 at half-past 10, County Court of Northumberland, at North Shields.—Robert Moore, North Shields, Northumberland, retailer of beer, April 22 at half-past 10, County Court of Northumberland, at North Shields.—Job Wilson, Nunnington, Yorkshire, cordwainer,

April 22 at 11, County Court of Yorkshire, at Helmsley.—*Alfred Jas. Piper*, Andover, Southampton, plumber, April 23 at 11, County Court of Hampshire, at Andover.—*William Brown*, Scarborough, Yorkshire, tailor, April 20 at 10, County Court of Yorkshire, at Scarborough.—*Jos. Morley*, Newark-upon-Trent, Nottinghamshire, small-shop keeper, April 8 at 9, County Court of Nottinghamshire, at Newark.—*Adam Liseey*, Manningham, Bradford, Yorkshire, out of business, April 9 at 11, County Court of Yorkshire, at Bradford.—*Thomas Lague*, Ibstock, Leicestershire, licensed victualler, April 14 at 10, County Court of Leicestershire, at Market Bosworth.—*Jos. Barlow*, Mexborough, Yorkshire, boot-maker, April 11 at 12, County Court of Yorkshire, at Doncaster.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

April 8 at 11, before the CHIEF COMMISSIONER.  
*Wm. Lucas*, New Wanstead, Wanstead, Essex, grainer.—*Jas. Richards*, White-st., Southwark, Surrey, green-grocer.

April 8 at 10, before Mr. Commissioner LAW.  
*Josiah Archer*, Dunston-st., Kingsland-road, Middlesex, milliner.—*James Flewker*, High Holborn, Middlesex, in no business.—*John Ayres*, Weymouth-terrace, Hackney-road, Shoreditch, Middlesex, cigar dealer.—*John Brockwell*, White Hart-st., Kennington, Surrey, bricklayer.—*Benjamin Lucraft*, Wimbourn-st., New North-road, Hoxton, Shoreditch, Middlesex, chairmaker.—*Wm. Harwood*, Upper Marylebone-st., Portland-place, Marylebone, Middlesex, painter.

April 9 at 11, before Mr. Commissioner PHILLIPS.  
*John Beetham*, Waverley-road, Harrow-road, Paddington, Middlesex, butler.—*John Goldspink*, Satchwell-rents, Bethnal-green, Middlesex, bricklayer.—*Robert Marshall Mensie*, Portland-st., Wandsworth-road, Surrey, clerk in the locomotive department of the South-western Railway Company.—*Samuel Low*, Zigzag-terrace, Homerton New-town, Middlesex, cattle dealer.

April 11 at 10, before Mr. Commissioner LAW.  
*Alfred Strickland*, Willis-row, West Brompton, Middlesex, tobacconist.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

#### Adjourned Case.

April 2 at 11, before the CHIEF COMMISSIONER.  
*Thomas O'Connor*, New Church-street, Lisson-grove, Middlesex, out of business.

April 4 at 10, before Mr. Commissioner LAW.  
*Wm. Lines*, Stibon-terrace, Whitechapel, Middlesex, ink manufacturer.—*Edward D. Lines*, Leighton Buzzard, Bedfordshire, ink manufacturer.

April 4 at 11, before Mr. Commissioner PHILLIPS.  
*Edwin Beavis*, Minories, London, cheesemonger.

April 8 at 11, before the CHIEF COMMISSIONER.  
*Edwin Ballard*, Tavistock-place, Tavistock-sq., St. Pancras, Middlesex, tailor.—*Thomas Wm. Walker*, Judd-place West, New-road, St. Pancras, Middlesex, collector of debts.—*Wm. Moody* the elder, Union-place, Finsloo, out of business.

April 8 at 10, before Mr. Commissioner LAW.  
*Edward J. Coster*, York-terrace, Old Kent-road, Southwark, Surrey, baker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Lancashire, at LANCASTER,  
April 9 at 11.

*David Burton*, Liverpool, cooper.—*John Chadwick*, Oldham, cotton-waste dealer.—*Joseph Dunkerley*, Oldham, cotton-waste dealer.—*Francis Ullathorne*, Manchester, beer-house keeper.—*Jesse Platt*, Salford, commission agent.—*William Wilkinson*, Habergham Eaves, near Burnley, builder.—*Henry John Willett*, Liverpool, clerk to the City of Dublin Steam-packet Company.—*James Morris*, Bolton-le-Moors, provision dealer.—*Charles B. Leach*, Liverpool, shopman to an ironmonger.—*Benjamin Bramhall*, Manchester, tailor.—*Joseph Sulton*, Moston, near Sandbach, Cheshire, out of business.—

*John Waring*, Blackburn, out of business.—*Robert Hartle Bangnall*, Manchester, grocer.—*W. Taylor*, Chorlton-upon-Medlock, Manchester, drysalter.—*Thomas Gibson*, Chorlton near Bolton-le-Moors, printer.—*Henry Gregory*, Liverpool, straw-bonnet maker.—*Thomas Beeson*, Chorlton-upon-Medlock, Manchester, malt factor.—*Isaac Hogg*, St. Helen's ironmonger.

At the County Court of Cheshire, at CHESTER CASTLE  
April 9.

*Wm. H. Ginger*, Nantwich, accountant.—*Samuel Bickel*, Macclesfield, licensed victualler.—*P. Fawcett*, Macclesfield, plumber.—*Joseph Woolley*, Stoke-upon-Trent, Staffordshire, licensed victualler.—*T. Hughes*, Chester, grocer.—*H. Wainward*, Chester, in no business.—*D. Hall*, Wharton, near Middleswich, agent to a salt proprietor.—*Edward Searle*, Upp Woodlands, Birkenhead, out of business.

At the County Court of Berkshire, at READING, April at 10.

*George Harris*, Reading, builder.

At the County Court of Worcestershire, at WORCESTER  
April 13 at 10.

*John Milltchap*, Worcester, tailor.

At the County Court of Yorkshire, at KINGSTON-UPON HULL, April 15.

*Henry H. Green*, Kingston-upon-Hull, steam-tug owner.

## TUESDAY, MARCH 29.

### BANKRUPTCY.

THOMAS DALLASTON STEARN, Ipswich, Suffolk, plumber, glazier, and painter, April 13 at 2, and May 1 at 12, Court of Bankruptcy, London: Off. Ass. Edward Sols. Morris & Co., Moorgate-st.-chambers.—Petition filed March 25.

JOHN TURNER, Uckfield, Sussex, grocer and drapery dealer and chapman, April 8 at 2, and May 10 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Paris 18, St. Paul's-churchyard.—Petition filed March 23.

WILLIAM LATHAM, Shelton, Stoke-upon-Trent, Staffordshire, boot and shoe maker, April 13 and May 4 at 12, District Court of Bankruptcy, Birmingham: Off. As Christie; Sols. Lees, Burslem; Hodgson, Birmingham.—Petition dated March 16.

### MEETINGS.

*Gerard De Witte*, Throgmorton-st., London, commission agent, April 8 at 12, Court of Bankruptcy, London, last day.—*David Elwin Colombine*, Carlton-chambers, Regent-st. St. James's, Westminster, money scrivener, April 9 at 11, Court of Bankruptcy, London, and ac.—*Thomas Chew* and *John Chew*, Little Moorfields, St. Giles's, Cripplegate Ward, London, livery-stable keepers, April 8 at 12, Court of Bankruptcy, London, and ac.—*Daniel Davies* and *Hen Davies*, Asylum-road, Old Kent-road, Surrey, road contractors, April 8 at 1, Court of Bankruptcy, London, and ac.—*James Jones*, Worthing, Sussex, woollendrawer, April at half-past 11, Court of Bankruptcy, London, and ac.—*W. Dornford*, Suffolk-lane, Cannon-st., London, wine merchant, April 8 at 1, Court of Bankruptcy, London, and ac.—*Wm. Mayfield*, Spalding, Lincolnshire, grocer, May 6 at 10, District Court of Bankruptcy, Nottingham, and ac.—*Geo. Henry Tyerman*, Plymouth, Devonshire, hosier, April at half-past 10, District Court of Bankruptcy, Exeter, and ac.—*John Petrie*, Plymouth and Devonport, Devonshire, cofectioner, April 21 at half-past 10, District Court of Bankruptcy, Exeter, div.—*Ebenezer Tipping*, Liverpool, so boiler, April 21 at 11, District Court of Bankruptcy, Liverpool, div.—*Thomas Strickland* and *Thos. Newby Brichew*, Liverpool, merchants, April 21 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *Thos. Newby Brichew* and *Charles Frederick Carne* and *Maurice Telo*, Liverpool, merchants, April 21 at 11, District Court of Bankruptcy, Liverpool, div.—*James Keron*, Altrincham, Cheshire, builder, April 20 at 12, District Court of Bankruptcy, Manchester, div.—*John Greener* the younger, Wigan, Lancashire, ironmonger, April 21 at 12, District Court of Bankruptcy, Manchester, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on before the Day of Meeting.*

*Wm. Toms* the younger, Honicknowle, St. Budeaux, Cornwall.

vonshire, victualler, April 21 at half-past 10, District Court of Bankruptcy, Exeter.—*George Henry Tyerman*, Plymouth, Devonshire, hoiser, April 21 at half-past 10, District Court of Bankruptcy, Exeter.

#### PARTNERSHIP DISSOLVED.

*Robert Collinson and Martin Richardson*, Bridlington, Yorkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Alexander*, Troon, merchant.—*James Allan*, Montrose, grocer.—*James Milne*, Edinburgh, omnibus proprietor.—*Geo. Chapman*, Edinburgh, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Burrows*, Chesterfield, Derbyshire, flour dealer, April 20 at 11, County Court of Derbyshire, at Chesterfield.—*Solomon Stubberfield*, St. Leonard's-on-the-Sea, Sussex, brickmaker, April 18 at 11, County Court of Sussex, at Hastings.—*John F. Askam*, Sheffield, Yorkshire, coal dealer, April 13 at 12, County Court of Yorkshire, at Sheffield.—*Joseph L. Shipman*, Sheffield, Yorkshire, turner, April 13 at 12, County Court of Yorkshire, at Sheffield.—*John Bucklow*, Sheffield, Yorkshire, licensed victualler, April 13 at 12, County Court of Yorkshire, at Sheffield.—*Charles Powell*, Sheffield, Yorkshire, brushmaker, April 13 at 12, County Court of Yorkshire, at Sheffield.—*Fred. Browning*, East Malling, Kent, bailiff, April 12 at 12, County Court of Kent, at Maidstone.—*Joseph Wells*, Droitwich, Worcestershire, dealer in cattle, April 26 at 10, County Court of Worcestershire, at Droitwich.—*Wm. H. Wood*, Little London, Willenhall, Staffordshire, grocer, April 16 at 9, County Court of Staffordshire, at Wolverhampton.—*Muri Taylor*, Pillgwenilly, Newport, Monmouthshire, beer-house keeper, April 13 at 12, County Court of Monmouthshire, at Newport.—*Daniel R. Davies*, Newport, Monmouthshire, hairdresser, April 13 at 12, County Court of Monmouthshire, at Newport.—*Robert Smith*, Whaplode Drove, Lincolnshire, farmer, April 28 at 10, County Court of Lincolnshire, at Holbeach.—*Edward Ballerd*, Sedgley, Staffordshire, retailer of ale, April 15 at 9, County Court of Worcestershire, at Dudley.—*James Lomas*, Felpham, Sussex, out of business, April 13 at 11, County Court of Sussex, at Chichester.—*James Hill*, Bury, near Arundel, Sussex, baker, April 15 at 12, County Court of Sussex, at Petworth.—*Robert Watts* the younger, Spratton, near Northampton, saddler, April 20 at 11, County Court of Northamptonshire, at Northampton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 11 at 10, before Mr. Commissioner LAW.*

*George Garvard*, Great Percy-street, Pentonville, Middlesex, brewer.—*Fred. Wm. Leftwich*, Albany-street, Regent's-park, Middlesex, carman.

*April 11 at 11, before Mr. Commissioner PHILLIPS.*

*James Smith*, Stephen-street, Lisson-grove, Marylebone, Middlesex, builder.—*Alfred Lee*, Sale-street, Paddington, Middlesex, builder.

*April 13 at 11, before the CHIEF COMMISSIONER.*

*John H. C. Hartung*, Warwick-street, Regent-street, Middlesex, jeweller.—*John Thos. Orrell*, Mill-street, Dockhead, Surrey, tin-plate worker.—*Samuel Tibbitts*, Queen's Head-lane, Islington, Middlesex, fancy cabinet maker.—*W. H. Ott*, East-street, Old Kent-road, Surrey, out of business.

*Saturday, March 26.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Edward Rhoderick*, Dowlais, Glamorganshire, grocer, No. 7046 C.; *Samuel Crook*, assignee.—*Richard George Dax*, Dover, Kent, clerk in the Exchequer-office, No. 75,662 C.; *M. John Tatham* and *Thomas Baker*, assignees.—*J. Morris* the younger, St. Helen's, Lancashire, joiner, No. 76,116 C.; *John Nightingale*, assignee.—*Wm. W. Oldershaw*, Woodland Cottage, Wick-lane, Old Ford, Middlesex, attorney-at-law, No. 63,438 T.; *James Le Cren*, assignee.—*J. Nicholson*, North

Shields, Northumberland, master mariner, No. 76,185 C.; *James Gibson*, assignee.

*Saturday, March 26.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Casbon*, Bartholomew-place, Hertford-road, King'sland, Middlesex, farmer: in the Debtors Prison for London and Middlesex.—*Benj. T. Goslin*, Blackfriars-road, Surrey, brewer's collector: in the Queen's Prison.—*Jonathan Horley*, James-place, Westbourne-terrace, Paddington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles Joseph Parlour*, Chancery-lane, Middlesex, lithographer: in the Queen's Prison.—*Frederick Harland*, Wellington-street, Shacklewell, Middlesex, plumber and zinc worker: in the Debtors Prison for London and Middlesex.—*William Frost*, Stafford-row, Pimlico, Middlesex, foreman to a tailor: in the Debtors Prison for London and Middlesex.—*S. S. Lowden*, Union-place, Clapham-rise, Clapham, Surrey, baker: in the Gaol of Surrey.—*Charles Sharpe*, Stafford-place, Wyndham-road, Camberwell, Surrey, jobbing brick-layer: in the Gaol of Surrey.—*W. J. B. Hills*, York-street, King'sland-road, Middlesex, in no business: in the Debtors Prison for London and Middlesex.—*Alfred Knight*, Scarborough-street, Goodman's-fields, Middlesex, not in business: in the Queen's Prison.—*Daniel Yardley*, Wanstead, Essex, tailor: in the Debtors Prison for London and Middlesex.—*George Salmon*, Palace-street, Westminster, Middlesex, cab driver: in the Debtors Prison for London and Middlesex.—*Charles E. Fox*, Gerrard-street, Soho, Middlesex, out of business: in the Queen's Prison.—*John Ford*, Dulwich College, Surrey, pensioner: in the Queen's Prison.—*David Burton*, Liverpool, cooper: in the Gaol of Lancaster.—*John Chadwick*, New Earth, Oldham, Lancashire, cotton-waste dealer: in the Gaol of Lancaster.—*Joseph Dunkerley*, Lees, near Manchester, cotton-waste dealer: in the Gaol of Lancaster.—*Joe Hope*, Preston, Lancashire, joiner: in the Gaol of Lancaster.—*Francis Ullathorne*, Strangeways, Manchester, beer-house keeper: in the Gaol of Lancaster.—*G. S. Wynn*, Strangeways, Manchester, general dealer: in the Gaol of Lancaster.—*Aaron Hatch*, Salisbury, Wiltshire, foreman to a corn dealer: in the Gaol of Fisherton Anger.—*Alfred Waghorn*, Clifton Marine-parade, Gravesend, Kent, gardener: in the Gaol of Maidstone.—*S. Leggatt Cooper*, Milton-next-Gravesend, Kent, grocer: in the Gaol of Maidstone.—*John Johnson Flowerday*, Norwich, carpenter: in the Gaol of Norwich.—*Dennis Hall*, Wharton, near Middlewich, Cheshire, agent to a salt works: in the Gaol of Chester.—*Henry Jones*, Handbridge, Cheshire, joiner: in the Gaol of Chester.—*William Wilkinson*, Sandycote, Habbergham Eaves, near Burnley, Lancashire, builder: in the Gaol of Lancaster.—*Thos. Gibson*, Chowbent, Bolton-le-Moors, Lancashire, printer: in the Gaol of Lancaster.—*Henry Gregory*, Southport, Lancashire, brick-layer: in the Gaol of Lancaster.—*John Davies*, Glancwyd Farm, near St. Asaph, Flintshire, North Wales, farmer: in the Gaol of Lancaster.—*John Wallman Watson*, Cambridge, licensed victualler: in the Gaol Cambridge.—*Luke Frith Bingham*, Bakewell, Derbyshire, innkeeper: in the Gaol of Derby.—*Mark Chisall*, Dovercourt, near Harwich, Essex, market gardener: in the Gaol of Ipswich.—*James Brown*, Boston, near Tadcaster, Yorkshire, blacksmith: in the Gaol of York.—*Charles Allsup*, Maidstone, Kent, glass dealer: in the Gaol of Maidstone.—*William Burrows*, Vale Royal, Tunbridge Wells, Kent, lodging-house keeper: in the Gaol of Maidstone.—*Thomas Beeson*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Donnelly*, Sheffield, Yorkshire, general dealer: in the Gaol of York.—*Thomas Fryer*, Saul, near Frampton-on-Severn, Gloucestershire, carpenter: in the Gaol of Gloucester.—*George Seamer*, Tunbridge Wells, Kent, traveller on commission: in the Gaol of Maidstone.—*Charles Rodway Pearce*, Maidstone, Kent, hairdresser: in the Gaol of Maidstone.—*John Steel*, White Abbey, Bradford, Yorkshire, joiner: in the Gaol of York.—*J. Stanton Allsup*, Huddington Mill, Huddington, Worcestershire, miller: in the Gaol of Worcester.—*Henry Farmer*, Dudley, Worcestershire, victualler: in the Gaol of Worcester.—*Benjamin Gill*, Brierley-hill, Kingswinford, Staffordshire, plumber: in the Gaol of Stafford.—*H. Hande*, Birmingham, manufacturer of British plated spoons: in the Gaol of Coventry.—*George Storey*, Thropton Cottage, Rothbury, Northumberland, labourer: in the Gaol of Morpeth.—*Isaac Thomas*, Cardiff, Glamorgan-

shire, beer-house keeper: in the Gaol of Cardiff.—*Thomas Thomas*, Salford, Lancashire, beer seller: in the Gaol of Lancaster.—*John Elisha Watts*, Birmingham, woollendrapery: in the Gaol of Coventry.—*Andrew Walker*, Merthyr Tydvil, Glamorganshire, print seller: in the Gaol of Cardiff.—*John Hodgetts*, Birmingham, teapot maker: in the Gaol of Coventry.—*Charles Lowe*, Billingham, Lincolnshire, baker: in the Gaol of Lincoln.—*George Norman*, Wightwick, near Wolverhampton, Staffordshire, brewer: in the Gaol of Stafford.—*Thomas Edensor Phillips*, Tissington, Derbyshire, farmer: in the Gaol of Derby.—*Thomas Rust*, Cheshunt, Hertfordshire, farmer: in the Gaol of Hertford.—*Thomas Sheard*, Mirfield, near Dewsbury, Yorkshire, grocer: in the Gaol of York.—*T. Simmons*, Gravesend, Kent, out of business: in the Gaol of Maidstone.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 12 at 11, before the CHIEF COMMISSIONER.*

*Frederick Patten*, Alfred-place, Bedford-square, Middlesex, captain in her Majesty's Navy on half-pay.—*George Paine*, Penton-st., Walworth-road, Surrey, coachbuilder.—*Charles Clark*, Victoria-place, New-road, Camberwell, Surrey, town traveller to a stationer.—*Thomas Dunnell*, Princess-street, Rotherhithe, Surrey, master mariner.

*April 14 at 11, before Mr. Commissioner PHILLIPS.*

*Catherine Holebrook*, Hatton-garden, Middlesex, out of business.—*William Cutress*, Winchester-place, Southwark-bridge-road, Southwark, Surrey, builder.—*Samuel Sidwell*, Fetter-lane, London, out of business.—*Edward D. Blackburne*, Wood-street, Tabernacle-walk, Finsbury, Middlesex, dairyman.—*Wm. Avis*, High-street, St. Giles-in-the-Fields, Middlesex, furnishing undertaker.—*Thomas Miles*, Hill-st., Walworth, Surrey, teacher of music.—*Benjamin Simpson*, New-st., Battersea-fields, Surrey, commission horse dealer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Glamorganshire, at CARDIFF, April 12.*

*George Wilde*, Merthyr Tydvil, pawnbroker.—*I. Thomas*, Cardiff, beer-house keeper.

*At the County Court of Kent, at MAIDSTONE, April 12 at 12.*

*Henry Crosby*, Gravesend, out of business.—*Samuel Day*, Strood, pastrycook.—*Charles R. Pearce*, Maidstone, out of business.—*Andrew T. Edge*, Maidstone, private in her Majesty's ninth regiment of Lancers.—*A. Toulmin*, Greenwich, physician.—*George Seamer*, Tunbridge Wells, traveller on commission.—*Alfred Waghorn*, Gravesend, gardener.—*Wm. Burrows*, Tunbridge Wells, Tunbridge ware manufacturer.—*Thomas Pooley*, Maidstone, foreman to a lime merchant.—*Thomas Simmons*, Gravesend, butcher.—*Samuel L. Cooper*, Gravesend, grocer.—*Charles Allsup*, Maidstone, china dealer.—*Thomas Rolfe*, Rochester, out of business.

*At the County Court of Worcestershire, at WORCESTER, April 13.*

*William Bott*, Tardebigg, grocer.

*At the County Court of Worcestershire, at the Guildhall, WORCESTER, April 13 at 10.*

*Henry Cox*, Dudley, accountant.—*Henry Farmer*, Dudley, grocer.—*John S. Allsup*, Huddington, miller.—*J. Walker*, Dudley, butcher.

**NEW LEADING CASES.**—On the 1st May next the *LAW MAGAZINE* will commence the publication of a Series of New Leading Cases.

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E. BLAKE BEAL, Secretary.

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Mr. HODGSON will SELL by AUCTION, at 115 Great Room, Fleet-street, on MONDAY, April 4, at half-past 12.

A Valuable Collection of LAW BOOKS, including a Library of a Barrister retired from the Profession, among which are Ruffhead's Statutes at Large, from Magna Charta, with continuation to the 13 & 14 Vict.; Law Times to 1851, Jarman's Conveyancer, Bythewood's Conveyancing, a series of the Old and Modern Reports in Law and Equity, Treatises and Books of Practice; also a collection of the Irish Reports in Chancery and Common Law to the present time. The whole in excellent preservation.

To be viewed, and Catalogues had.

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# The Jurist

No. 848—VOL. XVII.

APRIL 9, 1853.

PRICE 1s.

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LONDON, APRIL 9, 1853.

THE question, how far an admission made by a party relating to a record will dispense with its production, has been recently raised in the County Court of Gloucestershire, exercising its jurisdiction in insolvency\*; and as it involves an important point in the law of evidence, we purpose to consider it in our present article. The facts of the case which gave rise to the inquiry were briefly these:—An insolvent inserted in his schedule, as an admitted debt, a certain sum for damages recovered in an action for an "alleged" breach of promise of marriage, which (as he stated) he should have defended but for his poverty. The plaintiff in that action opposed the insolvent's discharge, and asked for a remand, under sect. 78 of the 1 & 2 Vict. c. 110, whereby an insolvent may be imprisoned for any term not exceeding two years, where it shall appear to the Court that damages have been recovered against him in an action "for breach of promise of marriage made by him," &c. No record of the action was produced, it being contended that the admission in the schedule was sufficient without it. The learned judge was of a different opinion, and discharged the insolvent, but afterwards granted a rule nisi for a rehearing, which, however, was ultimately discharged.

Upon the argument on the rule a preliminary objection was taken, that the judge had no jurisdiction to rehear a case under such circumstances, inasmuch as,

by sect. 96 of the 1 & 2 Vict. c. 110, the adjudication is to be final and conclusive, and not to be reviewed, unless it appears to the Court to have been "made on false evidence, or otherwise improperly made or fraudulently obtained;" and the words "otherwise improperly made," it was said, must be construed (especially in a penal clause) as being ejusdem generis with the preceding and following words, and therefore as involving improper conduct on the part of the insolvent or his witnesses, and not a mere error in point of law on the part of the judge. This objection was overruled.

It was then contended that the rehearing should take place in the Insolvent Court in London, to which the proceedings had been transmitted on the adjudication being made. This was also overruled, upon the authority of *Ex parte Lewis*, (1 Cox & Mac. 100); *Ex parte Keane*, (Id. 107); and *Ex parte Phillips*, (21 L. J., Q. B., 379).

Upon the merits of the question, it was contended, in support of the rule, that *Slatterie v. Pooley*, (6 M. & W. 664), which decided that an admission by a party to a cause relating to the contents of a deed was primary evidence, and dispensed with the production of the deed, applied in principle to a record; that *Murray v. Gregory*, (19 L. J., Ex., 355), in which an admission that an award had been made was given in evidence without the production of the award, shewed that, although matter of law might be involved in the admission, yet it was primary evidence; and that in 2 Smith's L. C. 437, it was said, that the ordinary evidence was rendered unnecessary by an estoppel, whether the fact admitted was a record or a speciality.

\* *Ex parte Joseph Wilkins*, before J. Francillon, Esq., March 31, 1853.

It was also urged, that the debt might have been inserted as disputed, and that having been inserted as admitted, and then being disputed, the creditor had been thereby induced to alter her position, and so the admission was conclusive evidence.

On the other hand, it was admitted that *Slatterie v. Pooley*, although much questioned, (Tayl. Ev. 294), and expressly dissented from in Ireland, (*Lawless v. Queale*, 8 Ir. Law Rep. 382), must yet be considered a binding authority, but that it was distinguishable from the case then before the Court. In *Slatterie v. Pooley* the admission was of a simple fact, viz. that the debt sued for was mentioned in the schedule annexed to the deed of composition; the fact was contained in a deed—a private writing executed by the defendant himself, and of whose contents he might, therefore, be supposed to be cognisant—and it was received in evidence before a tribunal which was competent to try the question whether the admission was true or not, and whether it could be rebutted. But this admission related to a record—a solemn public document, involving matter of law as well as of fact, and which might be much qualified, if not annulled, upon its production, as the judgment might have been arrested or reversed; and yet this might not be fully understood by a person referring to the record, and stating its effect. Mr. Pitt Taylor, in his work on Evidence, (p. 295), says, "Whether the doctrine propounded in *Slatterie v. Pooley* would be held to extend to records as well as to deeds and ordinary writings, and whether it would embrace the case of a *confessio juris* as well as that of a *confessio facti*, may admit of some doubt." In Phillips on Evidence, (last edition, p. 328), the learned editors, after considering *Slatterie v. Pooley*, add, "A parol admission will not dispense with the production of a record." Before Lord Denman's Act, abolishing objections to the competency of a witness on the ground of his being infamous, it was necessary to produce the record of conviction and judgment thereon, and an admission was not sufficient, although strict rules of evidence were not, in general, followed upon an examination on the *voir dire*. (2 Russ. Cr., by Greaves, 974).

In *Scott v. Clave* (3 Camp. 236) and *Summersett v. Adamson* (1 Bing. 73) the admission of a party was held not to dispense with the production of a record, on the grounds that the judgment referred to by the admission might be irregular or void, and the party might be mistaken, and that the matter admitted was mixed up of law and fact. These authorities were not cited, much less overruled, in *Slatterie v. Pooley*.\*

It was also argued, that the statement in a schedule was made under a species of compulsion: that the record, if produced, would be conclusive, but not so the admission, which might be rebutted; and yet the Insolvent Court was not a proper tribunal to try the question, whether there had been a breach of promise of marriage or not: that even taking the admission as evidence, yet it was not complete or satisfactory, as on

its face it appeared that the insolvent disputed the fact of a promise of marriage having been made.

For these reasons the Court discharged the rule, and we place them before our readers *valent quantum*, materials towards an elucidation of this question.

THE Lord Chief Justice of the Queen's Bench delivered on Monday, in the House of Lords, a learned argument on the subject of the recent deputation of merchants to Paris, from which it is to be inferred that his Lordship thought the act of the members of the deputation illegal. To say that the noble and learned Lord was making a mountain of a molehill would perhaps, be a breach of privilege, and would, at any rate, not be respectful to the learned Lord himself, as therefore we do not say it; but we do say, with a gravity, that Lord Campbell must have been joking when he spoke of the act of the deputation being a breach of any law whatever.

That it was not treason, is almost too plain to require argument. It was not any overt or covert, an direct or implied, assertion of any authority in the State paramount the Government of it; it was not any direct or indirect incitement to anybody who ever to make or levy war upon, or in the slightest degree to injure, the Government of this country; did not suggest, or lead to, or incite any violence or any injury whatever, to the State; it was simply the personal declaration of certain merchants, that they were, and they believed the other merchants of London and the people of England generally were desirous of peace with France and her Government. We apprehend, that if the Commander-in-Chief were to give out, in general orders, (at this time, the two countries being at peace), precisely the declaration of opinion given by the London merchants, it would not be even a breach of the Articles of War—certainly would not be treason.

The act of the deputation is next said to have been a breach of the law of nations. In what sense was it so? No doubt, by the law of nations, the only mode in which State communicates with State, is through the medium of accredited ambassadors; and if the unfortunate deputation had assumed to be ambassadors to England, *perhaps* they would have been committing a breach of the law of nations, though probably their act would then have been more properly a contempt of the authority of the Queen, and perhaps, in that sense, some sort of offence against the law of England. However, in fact, they did nothing of the sort. So far from there being any assumption by them of authority, it was distinctly known and understood, both by the Government of this country and the French Sovereign, that they had no political authority whatever, and they did not pretend to any. What, then, did their act amount to? As a political act, a simple nullity; they did not pretend to represent or to bind this Government; they could not be understood by the French Government to do so; all that they did was to express the desire for peace, of themselves, and as they believed, of many other Englishmen—a fact the existence of which they were as perfectly at liberty to declare their belief, as they would have been to do

\* Two American cases, (*Jenner v. Jolliffe*, 6 Johns. 9, and *The Welland Canal Company v. Hathaway*, 8 Wend. 480), to the same effect, are referred to in Tayl. Ev. 295.

clare to the Emperor their belief that a submarine telegraph was desired by the people of England. Besides, it is almost idle to talk of a breach of the law of nations by individuals as such. The law of nations is the law which regulates the intercourse between State and State, not between the individual subjects of one Government and another Government. An ambassador may be guilty of a breach of the law of nations, because he represents a State; so may a general, because he and his army represent, to a certain extent, his Government; but how can any two or three bankers or merchants, representing, in strictness, nobody—certainly not representing the State at all—incapable of binding anybody, having no authority whatever—how can they break the law of nations? They may break the laws of their own country or of the foreign country. The deputation clearly have not done the former, and we suppose they have not the latter; but if they have, that is the business of the Emperor of the French, and not of the Government of this country.

On the whole, agreeing with many that the escapade of the London merchants was not a wise one, and that it was a course of proceeding which might be inconvenient to their own Government, we are wholly at a loss to see anything in it in the slightest or remotest degree illegal, and never should have suspected that the idea could have been entertained, were it not for the reputation of the very learned judge who has thrown out observations calculated to raise the impression, that the acts of the deputation were some sort of infringement of some law or other.

### Correspondence.

#### THE PROTECTION DERIVABLE FROM SATISFIED TERMS, SINCE THE STAT. 8 & 9 VICT. c. 112.

TO THE EDITOR OF "THE JURIST."

SIR,—I should not have ventured, even on a subject so important as the Attendant Terms Act, to continue the discussion which you have permitted me to commence, if the ground had remained unchanged. But as in your last observations on *Freer v. Hesse* you have raised a new question, entirely different from the point of pleading which in my former communication I treated as the only difficulty presented by the act, I trust I shall be excused for returning to the defence of an enactment which, in my opinion, has perfectly effected the object for which it was designed.

Your objection to the decision or dictum, whichever it was, in *Freer v. Hesse*, is, that the purchaser (i. e. the defendant) in that case could not, even during the life of the last trustee of the term, use the term as a protection against the judgment without an actual assignment in his own favour, because, if the act had not passed, the term would not have protected him without an actual assignment. And I admit, that if an assignment would have been necessary before the act to protect the purchaser against that specific charge, the protection cannot now be had. The terms of the enactment are express on that point. But I submit that the decision must have been the same in *Freer v. Hesse* if the Attendant Terms Act had never passed. In that

case the material circumstances were, first, the registering of two judgments against the mortgagor in 1843; secondly, a conveyance in fee to the mortgagee, with power of sale, in 1844, and at the same time an assignment to a trustee for the mortgagee of an attendant satisfied term, in trust better to secure the debt and interest, and, subject thereto, in trust to attend the inheritance—no notice of the judgments to the mortgagee; and, thirdly, a sale by the mortgagee under his power. Under such circumstances, if the Attendant Terms Act had not passed, no doubt the purchaser from the mortgagee would have been advised to take a fresh assignment of the term to a trustee for himself; and the object of such assignment would have been, to obtain protection against any possible incumbrance by the mortgagee, and to procure, by the former trustee's covenant, an assurance that he had not joined in any incumbrance. But, as a protection against all incumbrances created by the mortgagor, the term would have been as effectual in the hands of the mortgagee's trustee, and without any fresh declaration of trust, and notwithstanding notice to the purchaser, as if an assignment were taken. Such protection was part of the express trust and object of the assignment—"in trust for the mortgagee, his executors, administrators, and assigns, and, subject thereto, to wait upon and attend the inheritance." The exact words do not appear, nor are they, I submit, material. The object in every case is abundantly apparent—first, to secure to the mortgagee and his personal representatives the benefit of the principal subject-matter of the transaction, the money, and then to protect the inheritance. The inheritance in such a trust always means the inheritance claimed by the person on whose behalf the assignment is made, and those claiming under him; and in the case of a mortgage, though on a redemption the old inheritance of the mortgagee, with all its incumbrances, becomes again the object of the trust, there can, I conceive, be no doubt, that in the meantime, and until redemption, the inheritance claimed by the mortgagee, his heirs and assigns, whether the equity of redemption be subsisting or be barred by foreclosure or sale, is the inheritance protected, and protected against all incumbrances created by the mortgagor of which the mortgagee had no notice. The protection sought by the mortgagee from the term would be of little value if it ceased on foreclosure, or could not be transmitted to a purchaser, even with notice of those incumbrances by which the mortgagee himself was not bound. Indeed, as the mortgagee might be unable to recover his money otherwise than by selling, and as he could not sell if he could not give a clear title, the protection of a purchaser from him is included in the trust for securing the mortgage debt.

The other construction—that the unknown incumbrancers on the mortgagor's estate were entitled to the benefit of the trust of the term, as against purchasers from the mortgagee—would be fatal to the purchaser's title, even with the aid of an actual assignment of the term, if an assignment had been possible; for if, without the assignment, the term was held in trust for the judgment creditors, the purchaser could not defeat that trust by taking an assignment of the trust estate with full notice.

G. S.

COLONIAL LEGAL APPOINTMENTS.—Her Majesty has been pleased to make the following Colonial legal appointments:—Robert Hodgson, Esq., to be Chief Justice for Prince Edward Island; Robert Crosby Beete, Esq., to be First Puisne Judge of the colony of British Guiana; Charles Douglas Stewart, Esq., to be her Majesty's Attorney-General, and James Clement Chopin, Esq., to be her Majesty's Solicitor-General, for the Island of St. Vincent.



## London Gazettes.

FRIDAY, APRIL 1.

## BANKRUPTS.

**BENJAMIN BUNTING** the elder, **BENJAMIN BUNTING** the younger, and **ROBERT DURRANT**, Norwich, tallowchandlers and soap manufacturers, (trading under the style or firm of Bunting, Son, & Durrant), April 8 at 2, and May 13 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Bailey, Norwich; Hudson & Co., 23, Bucklersbury, City.—Petition dated March 23.

**HENRY CROWTHER**, Titchbourne-street, Edgeware-road, Middlesex, cabinet maker, dealer and chapman, April 9 and May 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Roscoe, 14, King-st., Finsbury.—Petition dated March 12.

**JOHN BROOME**, late of Air-street, Piccadilly, Middlesex, but now of Birmingham, Warwickshire, licensed victualler, dealer and chapman, April 13 and May 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Petition dated March 30.

**ALEXANDER WALKER**, Weston Brewery, near Bath, Somersetshire, common brewer, April 14 and May 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Whittington & Gribble, Bristol; Sheard & Baker, Old Jewry, London.—Petition filed March 21.

**THOMAS NATHANIEL ASHMAN**, Yeovil, Somersetshire, currier, April 12 and May 4 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Smith, Bristol; Stogdon, Exeter.—Petition filed March 22.

**JOHN FARE**, Marton, Lancashire, miller, dealer and chapman, April 12 at 12, and May 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Liddell, Poulton-le-Fylde; Atkinson, Liverpool.—Petition filed March 17.

## MEETINGS.

*Edward Bowring*, Lawrence-lane, London, silk shag merchant, April 13 at 12, Court of Bankruptcy, London, pr. d.—*John H. Watkins*, Woolwich, Kent, grocer, April 26 at 11, Court of Bankruptcy, London, last ex.—*Wm. Minchener*, Cheapside, London, warehouseman, April 12 at 2, Court of Bankruptcy, London, aud. ac.—*Samuel Edwards*, Broadway, Deptford, Kent, linendraper, April 13 at 12, Court of Bankruptcy, London, aud. ac.—*John Wm. Munch*, Tooley-street, Surrey, salesman, April 12 at 1, Court of Bankruptcy, London, aud. ac.—*George Enser* and *George Pearce*, Bethnal-green-road, Middlesex, grocers, April 20 at 12, Court of Bankruptcy, London, aud. ac.—*George Dover*, Cheltenham, Gloucestershire, builder, April 22 at half-past 11, District Court of Bankruptcy, Bristol, aud. ac.—*Joseph Williams* and *Wm. Williams*, Glynos and Yarteg, Monmouthshire, shopkeepers, April 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*George H. Tyerman*, Plymouth, Devonshire, hosier, April 21 at half-past 10, District Court of Bankruptcy, Plymouth, aud. ac.—*Robert Wall Ogilvie*, Newcastle-upon-Tyne, ship broker, April 20 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Davison*, Newcastle-upon-Tyne, gun maker, April 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 29 at 12, div.—*Andrew Fraser*, Newcastle-upon-Tyne, corn merchant, April 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 22 at 1, div.—*Thomas Young*, Hartlepool, Durham, grocer, April 27 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 29 at 11, fin. div.—*D. Gibson*, Newcastle-upon-Tyne, grocer, April 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 22 at 11, div.—*John Greener* the younger, Wigan, Lancashire, ironmonger, April 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*George Ashburner*, Bolton-le-Moors, Lancashire, ironmonger, April 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*James Keron*, Altrincham, Cheshire, builder, April 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Abraham Garnett*, Liverpool, merchant, April 14 at 11, District Court of Bankruptcy, Li-

verpool, aud. ac.—*Thomas Powell* and *Wm. Brown*, Liverpool, merchants, April 14 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Samuel Handley*, Manor-terrace, Shepherd's-lane, Brixton, Surrey, builder, April 22 at 11, Court of Bankruptcy, London, div.—*Geo. Enser* and *Geo. Pearce*, Bethnal-green-road, Middlesex, grocers, April 22 at 12, Court of Bankruptcy, London, div.—*Charles M. Darby*, Regent street, St. Marylebone, Middlesex, printer, April 22 at 1 Court of Bankruptcy, London, div.—*Joseph Marriott*, Grace church-street, London, oil warehouseman, April 26 at 1 Court of Bankruptcy, London, div.—*Charles Walker*, Ba singhall-street, London, and Leeds, Yorkshire, woollen cloth manufacturer, April 26 at half-past 12, Court of Bankruptcy, London, div.—*Jabez Hawkins*, Nottingham, currier, April 2 at 10, District Court of Bankruptcy, Nottingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on a before the Day of Meeting.*

*James Pugh*, Lyndhurst-square, Peckham, Surrey, tailor April 22 at half-past 12, Court of Bankruptcy, London.—*Wm. Davison*, Newcastle-upon-Tyne, gun maker, April 29 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Stephen Dudgeon*, Litchurch, Derbyshire, builder, April 22 at 10, District Court of Bankruptcy, Nottingham.—*Thomas Caunt*, Newark-upon-Trent, Nottinghamshire, coal merchant, April 22 at 10, District Court of Bankruptcy, Nottingham.—*John Pass*, Huddersfield, Yorkshire, innkeeper, April 22 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Robert Tate* the younger, Uxbridge-moor, Hillingdon, Middlesex, miller.—*Henry Calvert*, Petersfield, Southampton, woollendraper.—*Henry Noel Humphreys*, Dorchester-place, Blandford-square, Middlesex, bookseller.—*Wm. S. Ramsey*, Queen-street-place, Upper Thames-street, London, druggist.—*Wm. Hodge*, Great Marlborough-street, Westminster, Middlesex, wholesale manufacturing stationer.—*James Oliver*, Liverpool, draper.

## SCOTCH SEQUESTRATION.

*John Kirk*, deceased, Edinburgh, brewer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Hanson*, Huddersfield, Yorkshire, butcher, April 14 at 10, County Court of Yorkshire, at Huddersfield.—*James Wallas*, Wigton, Cumberland, shoemaker, April 23 at 10, County Court of Cumberland, at Wigton.—*James Yeomans*, Camphouse, near Rosley, Westward, Cumberland, joiner, April 23 at 10, County Court of Cumberland, at Wigton.—*Henry Browne*, King's Lynn, Norfolk, general merchant, April 13 at 9, County Court of Norfolk, at King's Lynn.—*James Partridge*, Ann-st., Clerkenwell, Middlesex, wheelwright, April 20 at 10, County Court of Bedfordshire, at Bedford.—*John Butler*, St. Ive's, Huntingdonshire, carpenter, April 21 at 10, County Court of Huntingdonshire, at Huntingdon.—*James Case*, Bridgnorth, Shropshire, bricklayer, April 14 at 10, County Court of Shropshire, at Bridgnorth.—*Hannah Kenworthy*, Openshaw, Lancashire, plasterer, April 18 at 11, County Court of Lancashire, at Manchester.—*John Pownell*, Chapel-en-le-Frith, Derbyshire, shopman, April 15 at 10, County Court of Derbyshire, at Chapel-en-le-Frith.—*John Leak*, Preston, Lancashire, shopkeeper, April 25 at 10, County Court of Lancashire, at Preston.—*Evan Davies*, George Town, Merthyr Tydfil, Glamorganshire, licensed victualler, April 8 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*John Powell*, Dowlais, near Merthyr Tydfil, Glamorganshire, wheelwright, April 8 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Wm. Clayton*, Warrington, Lancashire, currier, April 7 at 10, County Court of Lancashire, at Warrington.—*Joseph Vince*, Laver Marney, Essex, veterinary surgeon, April 18 at 12, County Court of Essex, at Colchester.—*Alfred Medcalf*, Braintree, Essex, butcher, April 22 at 11, County Court of Essex, at Braintree.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 15 at 11, before the CHIEF COMMISSIONER.*

*Thos. Trevis Renna, Langley-st., Long-acre, St. Martin-in-the-fields, Middlesex, iron bedstead manufacturer.—Paul Bacon, Rupert-street, Haymarket, Middlesex, doctor of medicine.*

*April 15 at 10, before Mr. Commissioner LAW.*

*Wm. Pywell, Grange-road, Bermondsey, Surrey, warehouseman to a wholesale hat trimming manufacturer.—David Davies, King-street, Commercial-road East, Middlesex, confectioner.*

*April 16 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Floyd, Arthur-st., King's-road, Chelsea, Middlesex, currier.—Emanuel Newcomb, Old-st., St. Luke's, Middlesex, baker.—Jas. Jos. Brook, Liason-grove North, Marylebone, Middlesex, coal merchant.*

*April 18 at 10, before Mr. Commissioner LAW.*

*John Gale, Greenwich, Kent, out of business.—Charles T. Fryer, Oak-cottages, Pomeroy-street, New-cross, Deptford, Kent, carpenter.*

*April 18 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Hurren, South-place, Tibberton-square, New North-road, Islington, Middlesex, beer retailer.—Thos. Halls, Belvidere-place, Cambridge-road, Bethnal-green, Middlesex, railway clerk.—Wm. Sawyer, Skinner-st., Bishopsgate-street, London, cabinet maker.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 15 at 11, before the CHIEF COMMISSIONER.*

*James Russell, Hindon-street, Vauxhall-bridge-road, Pimlico, Middlesex, out of employment.—Thomas Browne, Coleman-street, Arlington-square, New North-road, Islington, shawl embroiderer.*

*April 15 at 11, before Mr. Commissioner LAW.*

*Hannah Wicks, Berwick-street, Soho, Middlesex, out of business.—John Crisp, Queen's-road West, Chelsea, Middlesex, lieutenant in her Majesty's Navy, on half-pay.—John Elphinstone Stewart, Upper Weymouth-street, Portland-place, Marylebone, Middlesex, landscape painter.*

*April 16 at 11, before Mr. Commissioner PHILLIPS.*

*James Sawyer, Gray's-inn-lane, Holborn, Middlesex, out of business.*

*April 18 at 10, before Mr. Commissioner LAW.*

*Francis Redmond the younger, Child's-hill, Hendon, Middlesex, out of business.*

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, April 13 at 10.*

*Charles Harding, Wolstanton, shoemaker.—S. Harding, Macclesstone, shoemaker.—Richard W. James, Wolverhampton, draper's assistant.—John Brown, Burslem, potter.—B. Gill, Kingswinford, plumber.—George Norman, Wightwick, near Wolverhampton, licensed brewer.—Richard Wycherley, Wednesbury, carpenter.—Enoch Baddeley, Norton-in-the-Moors, licensed victualler.*

*At the County Court of Suffolk, at IPSWICH, April 15 at 10.*

*Robert G. Watson, Ipswich, out of business.—Frederick Foreman, Ipswich, cabinet maker.—Samuel Clark, Ipswich, dealer in pork.—John Keeble the younger, Shelly, near Hadleigh, butcher.—Mark Chismall, Dovercourt, near Harwich, Essex, market gardener.*

*At the County Court of Northumberland, at MORPETH, April 15 at 10.*

*George Storey, Rothbury, labourer.*

*At the County Court of Devonshire, at EXETER, April 16 at 10.*

*John Ashley, Plymouth, out of business.—Edmund Kiddle, Moretonhampstead, miller.*

*At the County Court of Norfolk, at NORWICH, April 18 at 10.*

*Charles Stedman, Norwich, in no business.—James Coleman Browne, Great Yarmouth, carpenter.—John Leatherdale, Stalham, out of business.—Samuel Plowright, King's Lynn, general-shop keeper.—Edward J. Pittcock, Great Yarmouth, fish merchant.—Thomas Peake, Starston, out of business.—J. A. Plummer, Great Yarmouth, plumber.—J. J. Flowerday, Norwich, out of business.*

*At the County Court of Warwickshire, at WARWICK, April 18 at 10.*

*Joseph Newbold, Birmingham, commission agent.—Wm. Morgan, Cheltenham, Gloucestershire, builder.—J. Lambley, Birmingham, chemist.*

*At the County Court of Sussex, at LEWES, April 19.*

*Thomas Howell, Mayfield, out of business.*

*At the County Court of Northamptonshire, at NORTHAMPTON, April 20.*

*Frederick F. Mead, Northampton, shoe manufacturer.—W. C. Henshaw, Northampton, in no business.*

*At the County Court of Warwickshire, at COVENTRY, April 20 at 12.*

*James Swinfield, Birmingham, builder.—William Deakin, King's-beath, near Birmingham, builder.—William Lindsey the younger, Lichfield, tailor.—John Eliska Watts, Birmingham, out of business.—William Marshall, Aston, assistant to a jeweller.—Charles H. May, Truro, Cornwall, assistant to an ironmonger.—Thos. Hales, Tatenhill-lock, near Burton-upon-Trent, Staffordshire, traveller.*

*At the County Court of Monmouthshire, at MONMOUTH, April 22 at 2.*

*David Lawford Evans, Newport, grocer.*

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, April 28 at 10.*

*James Crozier, Newcastle-upon-Tyne, furniture broker.*

## TUESDAY, APRIL 5.

### BANKRUPTS.

**WILLIAM WRIGHT**, Maldon, Essex, linendraper, dealer and chapman, April 14 and May 12 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Overbury, Frederick's-place, Old Jewry.—Petition filed March 30.

**WILLIAM CROWLEY**, Newport Pagnell, Buckinghamshire, wheelwright and machine maker, April 9 and May 20 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Jagger, Birmingham; Sargent & Justice, 5, Essex-court, Temple.—Petition dated March 18.

**CHARLES GRANT WILSON**, Foster-lane, London, woolen warehouseman, dealer and chapman, April 15 and May 28 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Reed & Co., 59, Friday-street, Cheapside, London.—Petition dated March 24.

**EDWARD HUNT**, King William-st., and Nicholas-lane, Lombard-st., London, and Waltham-cross, Hertfordshire, and Cheshunt-terrace, and Grange-road, Bermondsey, Surrey, auctioneer, surveyor, and estate agent, April 19 at half-past 2, and May 10 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Miller & Horn, 78, King William-st., London.—Petition filed April 4.

**JOHN LLEWELLIN**, Bristol, haberdasher and toy dealer, April 20 at 12, and May 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Motteram & Knight, Birmingham; Prideaux, Bristol.—Petition filed April 1.

### MEETINGS.

*Joseph Henry Dunne and John Venables, Craven-street, Strand, Middlesex, shipowners, April 16 at 1, Court of Bank-*

ruptcy, London, pr. d.—*Abraham Cohen*, Houndsditch, London, wholesale clothier, April 22 at 1, Court of Bankruptcy, London, last ex.—*George Buser* and *Geo. Pearce*, Botolph-green-road, Middlesex, grocers, April 20 at 12, Court of Bankruptcy, London, last ex.—*Geo. Marsh*, Carnaby-st., Golden-square, Middlesex, draper, April 26 at 1, Court of Bankruptcy, London, last ex.—*Chas. Massey Derby*, Regent-st., Middlesex, printer, April 15 at 1, Court of Bankruptcy, London, and ac.—*John Brooks*, Eling, Southampton, coal merchant, April 19 at 1, Court of Bankruptcy, London, and ac.—*Nathaniel Pearce*, Silver-st., Wood-st., Cheapside, London, stationer, April 27 at 12, Court of Bankruptcy, London, and ac.—*Thos. Hillman*, Worthing, Sussex, wine merchant, April 15 at half-past 11, Court of Bankruptcy, London, and ac.—*Wm. Northwood*, Wigmore-st., Cavendish-square, Middlesex, upholsterer, April 15 at 11, Court of Bankruptcy, London, and ac.—*John R. Oates*, Finch-lane, Cornhill, London, tailor, April 15 at 11, Court of Bankruptcy, London, and ac.—*Joshua Metcalfe*, Fenchurch-st., London, merchant, April 15 at 11, Court of Bankruptcy, London, and ac.—*William Hamley*, Clifton, Bristol, builder, April 21 at 11, District Court of Bankruptcy, Bristol, and ac.—*R. Pritchard*, Bangor, Carnarvonshire, ale dealer, April 15 at 11, District Court of Bankruptcy, Liverpool, and ac.; April 28 at 11, div.—*Geo. Gillott*, Castleford, Yorkshire, grocer, April 25 at 11, District Court of Bankruptcy, Leeds, and ac.—*Wm. Atkinson* the younger, Goole, Yorkshire, shipwright, April 25 at half-past 11, District Court of Bankruptcy, Leeds, and ac.; April 26 at 11, fin. div.—*Edw. Foster*, Sheffield, Yorkshire, grocer, April 16 at 12, District Court of Bankruptcy, Sheffield, and ac.—*Geo. Allerton* the younger and *John Wilkinson Tebb*, Wakefield, Yorkshire, dyers, May 2 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 11, fin. div.—*W. Wood*, Hoyland Nether, Wath-upon-Deane, Yorkshire, timber merchant, April 25 at 12, District Court of Bankruptcy, Leeds, and ac.; April 26 at half-past 11, first and fin. div.—*Robert Hamilton Murray*, Alfred-place, Camden-road, St. Mary, Islington, Middlesex, baker, April 26 at 12, Court of Bankruptcy, London, div.—*J. Lidwell Heathorn*, Abchurch-lane, London, shipowner, April 26 at 1, Court of Bankruptcy, London, div.—*Austin Robert Stace*, Strood, Kent, ironmonger, April 22 at 11, Court of Bankruptcy, London, div.—*Walter Sterling* and *John Sterling*, Bow-churchyard, London, merchants, April 23 at half-past 1, Court of Bankruptcy, London, div.—*J. George Lacy*, Great St. Helen's, Bishopsgate-st., London, gun manufacturer, April 23 at 2, Court of Bankruptcy, London, div.—*Elizabeth Chapman*, widow, Waltham Abbey, Essex, out of business, April 22 at half-past 11, Court of Bankruptcy, London, div.—*James Webster* and *Geddes Mackenzie Simpson*, Tower-street, London, merchants and brokers, April 23 at 1, Court of Bankruptcy, London, div.—*James Frederick Lawrence*, Wookey Hole, near Wells, Somersetshire, paper maker, May 6 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Robert Welsh*, Huddersfield, Yorkshire, woollen cloth merchant, April 29 at 11, District Court of Bankruptcy, Leeds, div.—*John Wilton*, Sheffield, Yorkshire, linendraper, April 30 at 11, District Court of Bankruptcy, Sheffield, div.—*James Bertram*, Sheffield, Yorkshire, ironmonger, April 30 at 11, District Court of Bankruptcy, Sheffield, div.—*Charles Edmonstone*, Over Darwen, Lancashire, paper manufacturer, April 26 at 12, District Court of Bankruptcy, Manchester, div.—*James Burt* and *James Burt* the younger, Manchester, and *Wm. Tottie Watson*, Leeds, Yorkshire, commission agents, April 26 at 12, District Court of Bankruptcy, Manchester, div.—*Isaac Orrell*, Radcliffe, Lancashire, cotton manufacturer, April 28 at 12, District Court of Bankruptcy, Manchester, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Spratt*, Sloane-st., and Exeter-st., Sloane-st., Chelsea, Middlesex, coach builder, April 26 at 1, Court of Bankruptcy, London.—*George Kibble*, Hurst, Berkshire, farmer, April 27 at 1, Court of Bankruptcy, London.—*Nathaniel Pearce*, Silver-street, Wood-street, Cheapside, London, stationer, April 27 at 12, Court of Bankruptcy, London.—*Alfred Bunnell*, Bridge-house-place, Newington-causeway, Surrey, window-blind manufacturer, April 27 at 12, Court of Bankruptcy, London.—*J. Wilkinson*, Brymbo, Denbighshire, ironmaster, April 28 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Charles Crickmay*, Portsmouth, Hampshire, gun manufacturer.—*James Jones*, Worthing, Sussex, linendraper.—*Lyon Samuel*, Bury-st., St. Mary-axe, London, jeweller.—*William Dowling*, Leicester, grocer.

#### PARTNERSHIP DISSOLVED.

*H. H. Blackmore* and *P. F. James*, Staple-inn, London, attorneys and solicitors, (under the firm of Blackmore & James).

#### SCOTCH SEQUESTRATIONS.

*Wm. Barr*, Glasgow, builder.—*Wm. Sim, jun.*, Balintail, Ross-shire, farmer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Norman*, Yeovil, Somersetshire, shoemaker, April 28 at 10, County Court of Somersetshire, at Yeovil.—*James Dixon*, Carlisle, Cumberland, joiner, April 25 at 10, County Court of Cumberland, at Carlisle.—*John Rowell*, Carlisle, Cumberland, joiner, April 25 at 10, County Court of Cumberland, at Carlisle.—*Samuel Davis*, Rodborough, Gloucestershire, brewer, April 27 at 11, County Court of Gloucestershire, at Stroud.—*James Callie*, Rancorn, Cheshire, cabinet maker, April 14 at 10, County Court of Cheshire, at Rancorn.—*Edward Moss*, Buckingham, bookbinder, April 26 at 11, County Court of Buckinghamshire, at Buckingham.—*Samuel Brunning*, Coddensham, Suffolk, cordwainer, April 15 at 10, County Court of Suffolk, at Ipswich.—*John Richards*, Ipswich, Suffolk, hatter, April 15 at 10, County Court of Suffolk, at Ipswich.—*Samuel Dean*, Halifax, Yorkshire, out of business, April 13 at 10, County Court of Yorkshire, at Halifax.—*Robert Buckley*, Oldham, Lancashire, letter carrier, April 8 at 12, County Court of Lancashire, at Oldham.—*Thomas Fairchild*, Barnstaple, Devonshire, butcher, April 16 at 10, County Court of Glamorganshire, at Swansea.—*John Burt* the elder, Swansea, Glamorganshire, shoemaker, April 16 at 10, County Court of Glamorganshire, at Swansea.—*Jas. Croson*, Great Marlow, Buckinghamshire, baker, April 12 at 11, County Court of Buckinghamshire, at High Wycombe.—*George F. Williams*, High Wycombe, Buckinghamshire, chair manufacturer, April 12 at 11, County Court of Buckinghamshire, at High Wycombe.—*Thomas Wall*, Isle of Thanet, Kent, licensed victualler, April 11 at 12, County Court of Kent, at Margate.—*Sarah Henley*, Cheltenham, Gloucestershire, bookseller, April 26 at 10, County Court of Gloucestershire, at Cheltenham.—*John Mott*, Sawbridgeworth, Hertfordshire, farmer, April 8 at 10, County Court of Hertfordshire, at Bishop's Stortford.—*William House*, Knapp, North Curry, Somersetshire, farmer, April 21 at 10, County Court of Somersetshire, at Taunton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 20 at 11, before the CHIEF COMMISSIONER.*

*Alfred Wright*, Quickset-row, New-road, Middlesex, shopman in a shoe warehouse.—*Thos. B. Ambler*, Hemmingford-cottages, Islington, Middlesex, building surveyor.—*Thomas Deacon*, Chester-street, Kennington-road, Lambeth, Surrey, baker.—*John R. W. Halse* the younger, Sidney-st., Maiden-lane, King's-cross, Middlesex, grocer.

*April 20 at 10, before Mr. Commissioner LAW.*

*David Davies*, Blythe's-yard, Upper Whitecross-street, St. Luke's, Middlesex, cowkeeper.—*E. H. Noy*, Duppas-hill-terrace, Duppas-hill, Croydon, Surrey, attorney-at-law.

*Saturday, April 2.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Houghton*, Long-acre, Middlesex, out of employment: in the Queen's Prison.—*Henry Alonso Hart*, Lamb's Conduit-street, Middlesex, linendraper: in the Debtors Prison for London and Middlesex.—*John Thos. Swain*, Lewisham,

Kent, out of employ: in the Debtors Prison for London and Middlesex.—*Richard Bull*, Paul-street, Finsbury, Middlesex, looking-glass-frame manufacturer: in the Debtors Prison for London and Middlesex.—*Francis Chas. Annesley*, Holles-st., Cavendish-square, Middlesex, captain in her Majesty's 60th regiment of Rifles: in the Queen's Prison.—*Chas. Bonwick*, Carshalton, Surrey, baker: in the Gaol of Surrey.—*Thomas Cookson*, Elland, near Halifax, Yorkshire, manufacturer of woollen goods: in the Gaol of York.—*James Drurey*, Leeds, Yorkshire, joiner: in the Gaol of York.—*Martha Illingworth*, Bradford, Yorkshire, milliner: in the Gaol of York.—*John Lightowler*, Bowling, near Bradford, Yorkshire, licensed retailer of beer: in the Gaol of York.—*William Joseph Stanmore*, Sheffield, Yorkshire, schoolmaster: in the Gaol of York.—*Thomas Wood*, Leeds, Yorkshire, cloth agent: in the Gaol of York.—*Wm. Burgess*, Pendleton, near Manchester, plumber: in the Gaol of Lancaster.—*Joseph A. Plummer*, Great Yarmouth, Norfolk, plumber: in the Gaol of Norwich.—*Edward John Pittcock*, Great Yarmouth, Norfolk, fish merchant: in the Gaol of Norwich.—*J. Fenner*, Stoke Poges, Buckinghamshire, retail dealer in beer: in the Gaol of Aylesbury.—*John S. Sargent* the younger, Devonport, Devonshire, out of business: in the Gaol of St. Thomas the Apostle.—*J. Leatherdale*, Stalham, Norfolk, out of business: in the Gaol of Norwich.—*Samuel Plowright*, King's Lynn, Norfolk, general-shop keeper: in the Gaol of Norwich.—*William Green*, Heale, near Hull, Yorkshire, corn dealer: in the Gaol of York.—*James Haigh*, Paddock, near Huddersfield, Yorkshire, innkeeper: in the Gaol of York.—*John Roebuck*, Pitt's Moor, near Sheffield, Yorkshire, out of business: in the Gaol of York.—*Robt. L. Wells*, Doncaster, Yorkshire, shoemaker: in the Gaol of York.—*James Ward*, Colchester, Essex, innkeeper: in the Gaol of Springfield.—*James Haigh*, Halton, Whitkirk, near Leeds, Yorkshire, grocer: in the Gaol of York.—*Joshua Lister*, Leeds, Yorkshire, engineer: in the Gaol of York.—*James Rhodes*, Heckmondwike, Yorkshire, woolsorter: in the Gaol of York.—*Nathaniel Turner*, Hungerhill, Morley, Yorkshire, cloth manufacturer: in the Gaol of York.—*Thos. Thackeray*, Leeds, Yorkshire, stonemason: in the Gaol of York.—*Horace Whayman*, Sudbourne, near Woodbridge, Suffolk, farmer's assistant: in the Gaol of Ipswich.—*George Crouch*, Kingston-upon-Hull, professor of music: in the Gaol of Kingston-upon-Hull.—*Henry Abram*, Liverpool, pavior: in the Gaol of Lancaster.—*William Moon*, Blackpool, Lancashire, cab proprietor: in the Gaol of Lancaster.—*Joseph Fras. Peplow*, Birmingham, tobacconist: in the Gaol of Warwick.—*Jane Green*, Lower Tranmere, near Liverpool, never in any business: in the Gaol of Lancaster.—*George Entwistle*, Liverpool, ginger-beer manufacturer: in the Gaol of Lancaster.—*Godfrey Berry*, York, out of business: in the Gaol of York.—*Thomas Beaumont*, High-town, near Leeds, Yorkshire, out of business: in the Gaol of York.—*Wm. Clough*, Great Shambles, Yorkshire, out of business: in the Gaol of York.—*John Davison*, Hunslet, near Leeds, Yorkshire, out of business: in the Gaol of York.—*James Horsfall*, Little Horton, near Bradford, Yorkshire, out of business: in the Gaol of York.—*Wm. Lockwood*, High-town, near Leeds, Yorkshire, stuff manufacturer: in the Gaol of York.—*John H. Corbet*, Portsmouth, Southampton, lessee of the Portsmouth Theatre: in the Gaol of Winchester.—*T. Dennis*, Rayleigh, Essex, foreman to a common brewer: in the Gaol of Springfield.—*Joseph Phillips* the elder, Coventry, Warwickshire, ribbon weaver: in the Gaol of Coventry.—*Henry Whayman*, Sudbourne, near Woodbridge, Suffolk, farmer: in the Gaol of Ipswich.—*Henry Barlow*, Lancashire Hill, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*Thomas Jackson*, Strangeways, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*Wm. Krikham*, Lancaster, out of employment: in the Gaol of Lancaster.—*Alexander Pettigrew*, Hulme, Manchester, warehouseman: in the Gaol of Lancaster.—*Joshua Scholes*, Ashton-under-Lyne, retail dealer in ale: in the Gaol of Lancaster.—*John Taylor*, Manchester, chemist: in the Gaol of Lancaster.—*J. Taylor*, Manchester, grocer: in the Gaol of Lancaster.—*George Armitage*, Bradford, Yorkshire, clogger: in the Gaol of York.—*Robert Cooper*, Repley, near Knaresborough, Yorkshire, farrier: in the Gaol of York.—*George Naylor*, Tadcaster, Yorkshire, grocer: in the Gaol of York.—*Mary Lewis*, Melnyyswm, widow, Llangadock, Carmarthenshire: in the Gaol of Carmarthen.—*W. Osley*, Barnsley, Yorkshire, innkeeper: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 19 at 11, before the CHIEF COMMISSIONER.*

*Samuel S. Lowden*, Union-place, Clapham-rise, Clapham-road, Surrey, baker.

*April 20 at 10, before Mr. Commissioner LAW.*

*Henry Brunt Hort*, St. George's-road, Southwark, Surrey, beer-shop keeper.—*A. John Swift*, Oxford-terrace, Edgeware-road, and Stanley-bridge, Chelsea, Middlesex, iron founder.—*Frederick Harland*, Wellington-street, Shacklewell, Stoke Newington-road, Middlesex, plumber.—*Thos. Milner*, Canterbury-grove, Lower Norwood, Surrey, plumber.

*April 21 at 11, before Mr. Commissioner PHILLIPS.*

*William J. B. Hills*, York-street, Kingland-road, Middlesex, not in any business.—*Robert Living*, Old-Kent-road, Surrey, pork salesman.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Warwickshire, at COVENTRY, April 20.*

*Henry Hands*, Birmingham, manufacturer of electro-plated spoons.

*At the County Court of Hertfordshire, at HERTFORD, April 22.*

*Thomas Rust*, Cheshunt, Essex, farmer.

*At the County Court of Cumberland, at CARLISLE, April 25 at 10.*

*John Watson*, Carlisle, labourer.

*At the County Court of Buckinghamshire, at AYLESBURY, April 27 at 12.*

*John Fenner*, Stoke Poges, retail dealer in beer.

*At the County Court of Gloucestershire, at GLOUCESTER, April 28 at 10.*

*W. H. Thornton*, Gloucester, out of business.

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LONDON, APRIL 16, 1853.

OVER all charities, even antecedent to and independently of the 43 Eliz. c. 4, the Crown has a superintendence, as *parens patriæ*, similar to that which it exercises in the case of infants and lunatics, (*Cary v. Bertie*, 2 Vern. 342; *Eyre v. Shaftesbury*, 2 P. Wms. 118, 119), the reason for this supervision being the inability of the persons interested to take the necessary care of themselves or their property. This authority is delegated to the Court of Chancery, and the original mode of exercising it was by the Attorney-General, as the first law officer of the Crown, filing an information upon the instruction of a relator, who need not be a person interested, (*Mitf.* 23, 24; 1 Russ. 236), nor indeed is he a party to the information, (*The Attorney-General v. Wright*, 3 Beav. 447), and therefore he has no right to make, of his own authority, any application to the Court. It seems that it is not essential to charity informations that there should be a relator at all; but the chief reason for appointing him is, that as the Crown pays no costs, the relator may answer them if the suit was improperly instituted, or should be conducted improperly. (*Mitf.* 24). Where the relator has an individual interest, the suit is properly by information and bill, and the relator is then made a party as co-plaintiff. The Attorney-General is, therefore, considered the principal plaintiff in a charity information; and as he can have no personal knowledge of the matters in question, it is sufficient, to induce him to sanction the filing of an information, if the relator can shew a *prima facie* case requiring the interposition

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of the Court of Chancery; while the check upon relators, by the punishment of costs, is so seldom, if ever, exercised, that practically it does not operate to restrain the institution of a suit in any case where there is a shadow of reason for it. The effect of this system is, that the control over the administration of charities is left to the philanthropy of some hero, who, for the sake of the charity, will plunge into the gulf of a Chancery suit; and the consequence is, that for this reason, and also from the expensiveness of the remedy, very many charities have been ruined utterly, and more are ill-administered, scarcely any being at the same time well managed and wisely applied.

To continue the history of the jurisdiction. The evils of this system were felt so strongly in the reign of Elizabeth, that an act was then passed, (43 Eliz. c. 4—A.D. 1601), the declared object of which was "to redress the misemployment of lands, goods, and stocks of money heretofore given to charitable uses." For this purpose this statute (sect. 1) empowered the Lord Chancellor (and for lands within the county palatine of Lancaster, the Chancellor of that Duchy) for the time being to award commissions under the Great Seal, or the seal of the county palatine of Lancaster, to the bishop of every diocese and his chancellor, and to other persons, authorising them to inquire, by calling the parties interested before a jury of the county, and by all other good and lawful ways and means, into the abuses of charities, and to make orders, conformable to the will of the founders, for the due employment of charitable property; and also (sect. 6) to make decrees for recompense against any person, his heirs, executors, and

administrators, who should have committed a breach of any charitable trust: all such orders to be certified under the seals of the said commissioners, or any four of them. And (sect. 10) a right of appeal to the Lord Chancellor, or the Chancellor of the Duchy of Lancaster, was given to any person aggrieved by an order made under the statute, subject to the payment of costs, if exercised without just and sufficient cause.

There is a record of 964 commissions having been issued under this statute; but the practice has gradually become obsolete, the last commission having been issued in 1719. (15 Ves. 305). The reasons for this discontinuance are said to be the abuse of the proceedings, and their insufficiency and injustice, in some cases, to the persons called upon to account for the property of charities; and these evils, no doubt, arose from the improper constitution of the commission, which rendered it by no means independent of local interests or influence.

This statute gave the Lord Chancellor no increased facilities of obtaining information concerning the abuses of charities; but the evil having been ascertained to exist, it provided a less expensive remedy by a local court, thus obviating the costly process of bringing the questions in every case before a central jurisdiction.

The necessity, which was left unprovided for, of some mode of obtaining more easily the requisite knowledge concerning the administration of charities, to enable the Lord Chancellor to judge in what cases a remedy ought to be applied, was now more strongly felt; and besides certain statutes, directing inquiries as to particular charities very liable to abuse, an act was at length passed, the 26 Geo. 3, c. 58, which required the ministers and overseers of every parish in England to return, on oath, an account of all charitable donations which had been given by deed or will for the benefit of poor persons within their respective parishes, distinguishing, as far as they were able, by whom, when, and for what purpose given; likewise whether such respective donations were in land or money, and in whom then vested, and what was the annual produce thereof respectively. On the 6th December, 1787, a committee was appointed by Parliament to examine the returns made under this statute. This was the commencement of a system of inquiry, which has been since continued by the authority of several statutes. The 52 Geo. 3, c. 102, directed that a memorial of the estate, annual income, investment, and objects of all charitable donations in England and Wales then or thereafter to be founded, with the names of the founders or benefactors and the trustees, and deeds or wills of endowment, should be registered in the office of the clerk of the peace, who was to transmit a duplicate to the Court of Chancery.

On the 1st April, 1816, the House of Commons ordered to be printed parochial returns to an inquiry as to the endowments and other institutions for the education of the poor; and this investigation went deeper into the matter in respect to these particular charities; for not only were the means then existing for public education thereby examined, but also *the use that was made of them*, how many children were being taught, and after what manner, how many clothed or maintained, with other similar information. This commis-

sion, which was appointed on the motion of Lord (then Mr.) Brougham, was the step to what followed. Their researches incidentally disclosed the abuses affecting other charities to which their inquiries did not directly extend, and in 1818 their labours were followed by the stat. 58 Geo. 3, c. 91, enabling the King to issue a commission under the Great Seal "to examine into and investigate the amount, nature, and application of all estates and funds, of what nature or kind soever, and the produce thereof, destined or intended to be applied to the purpose of *educating the poor* in England and Wales . . . and to examine into and investigate all breaches of trust, irregularities, frauds, abuses, or supposed abuses, or misconduct in relation to, and in the management or appropriation, or non-appropriation or misappropriation, of such estates and funds, and to report their proceedings, in writing, in each half-year, to the King and to both Houses of Parliament, and to subjoin such suggestions as might seem expedient for securing such estates and funds against any future misapplication."

By the 59 Geo. 3, c. 81, the powers of the commissioners were extended to gifts for the support of *any charity or charities for the benefit of poor people in England and Wales, or held under trust for any charitable uses or trusts in England or Wales*; and by cap. 91 of the same session, any five or more of the commissioners were authorised to certify to the Attorney-General such cases as appeared, in their judgment, to require legal interference.

These statutes were continued in force by the 5 Geo. 4, c. 58, and the 10 Geo. 4, c. 57, until the 1st July, 1830; and, after an interval of fifteen months from that date, the inquiry was revived by the 1 & 2 Will. 4, c. 34, which extended their powers to the case of charities which had special visitors. The commission ended on the 15th August, 1834. They published between thirty and forty reports, and expended in the inquiry altogether about 240,000*l.* By the 5 & 6 Will. 4, c. 71, a new commission was appointed to carry on the investigation, and a special power given to them to authorise, in certain cases, the minister and churchwardens of the parish interested to act as interim trustees of a charity consisting of a rent-charge or annuity not exceeding 20*l.*, which, by the 4 & 5 Will. 4, c. 71, was extended to similar charities not exceeding 50*l.* The reports of all these commissions together fill thirty-eight folio volumes, affecting 28,840 charities, which had an aggregate income of 1,209,395*l.*, of which 58,187*l.* represented the income of 17,972 charities whose actual incomes were under 10*l.* a year, their average being 3*l.* 4*s.* 9*d.*

So much for the inquiry. The only important result of all this expensive investigation, and the immense mass of information thereby collected, and the admirable suggestions made by the commissioners, was the passing, at the instance of Sir Samuel Romilly, of stat. 52 Geo. 3, c. 101, "to provide a more summary remedy in case of breaches of trust created for charitable purposes, as well as for the just and upright administration of the same;" in which cases the act authorises any two or more persons to present a petition to the Lord Chancellor or Master of the Rolls, praying such relief as the nature of the case may require; and it empowers the Courts to hear such petition in a summary way



upon affidavits, and to make an order thereon, which shall be conclusive, unless appealed from within two years, every such petition to be signed by the petitioner, and attested by their attorney, and submitted to and allowed by the Attorney or Solicitor General, and such allowances to be certified by him before its presentation.

This was followed by the 59 Geo. 3, c. 91, s. 5, which enacted that the trustees of any free school, hospital, or other charitable institution or donation within its provisions, thinking the statutes or regulations thereof insufficient for the secure and due administration of the funds, might, with the consent of five of the commissioners before mentioned, proceed by petition in like manner; and by the same statute a like power was given to the Attorney-General, in cases certified to him by the commissioners in the manner already noticed.

Of the former of these two last-mentioned statutes so great an authority as Lord Redesdale has said, "The loose mode of proceeding authorised by this act was probably intended to save expense in investigating abuses of charities; but, in practice, it unavoidably led to great inconvenience, the Court not having before it any distinct record to which its judgment might be properly applied, and especially with respect to those against whom complaint might be made, or those against whom no such complaint could be made, but whose interests might be affected by the judgment of the Court."

This inconvenience became apparent in a case which was made the subject of appeal to the House of Lords, who finally determined that a jurisdiction so summary, and in which the proceedings were so loose, ought, in just construction of the act, to be confined to the simple case of abuse of a clear trust, not involving any question beyond the question of such abuse, and particularly not involving the interests of persons to whom such abuse of trust could not be imputed. (*Mitf. 20; The Corporation of Ludlow v. Greenhouse*, 1 Bligh, N.S., 17).

It takes some time for the public mind to digest information so bulky, however interesting or important it may be, and that is probably the chief reason why nothing has yet been done to cure such enormous evils as these affecting charities. However, the ground has been broken by several efforts, which are detailed in a work just published, to which the attention of all those interested in this subject will have been directed.

The book in question is called "Public Education, by Sir James Kay Shuttleworth," (Longmans, 1863), and it contains a chapter on the subject of charities, a large proportion of which have always been devoted to educational purposes. It appears, that in 1841 an effort was made to give to two-thirds of the trustees of any educational charity not amounting in annual value to 300*l.*, and which should be insufficient to answer a useful purpose, power to modify the trusts by a scheme for applying the income in aid of some other school in the neighbourhood, such scheme to be approved by her Majesty in Council; and a like power, in cases where the annual income did not exceed 100*l.*, to modify and extend the nature of the education given, so as to make it more beneficial for the poor, such altera-

tion to be pursuant to the intentions of the founder as nearly as might be. (See Public Education, 176). This bill, from the state of political affairs, failed to become law. In 1843 the Government again directed their attention to this subject, and prepared a bill under the auspices of Lord Cottenham, by which, in the case of educational charities whose annual income did not exceed 200*l.*, and the trusts of which could not be fully attained, the Attorney-General and some other person interested were authorised to lay before her Majesty in Council a scheme for the better application of the trust property, which, if approved, should supersede pro tanto the original trusts. Power was by this bill to be given to the same persons to appoint new trustees of such charities, not having of themselves authority for that purpose, and to keep up the succession of such trustees. In 1844, Lord Lyndhurst introduced a comprehensive bill for securing the due administration of charitable trusts in England, and this, failing to become law, was followed by bills, which had the sanction of Lord Cottenham, in 1847, 1848, 1849, and 1850, of which a description is given in p. 183 of the work on Public Education. Large powers were proposed by the former of these measures to be given to a commission of three, appointed by the Lord Chancellor, *with two inspectors of charities*. To the commissioners was given, in certain cases, a local jurisdiction. The bill of 1850 gave a summary jurisdiction to Masters in Chancery over charities exceeding 30*l.* and not exceeding 100*l.* a year, and they were to proceed on petition, and to obtain, when necessary, the opinion of the Court of Chancery; but charities under 30*l.* a year were placed under the jurisdiction of county courts, subject to a limited right of appeal. A bill was also prepared by the existing Charity Commission in 1851, of which an abstract is given at p. 198 of "Public Education." This bill authorised a commission to be appointed by the Lord Chancellor, which was to be invested with considerable administrative powers. The bill also proposed to give the summary jurisdiction over charities under 100*l.* a year to Masters in Chancery, and under 30*l.* to county courts, *subject to the control of the commission*. It gave no additional powers of *cy près* administration of trusts, and required the sanction of the Court of Chancery to most of the ordinary matters of management. These various attempts have clearly indicated the path to be taken by future legislation on this subject. The necessities of the case require incessant vigilance over the administration of charities to prevent abuses, and a cheap remedy for those which exist, while the cost and comparatively slow action of judicial proceedings render it imperative that large powers of management should be given to some responsible commission, which could exercise them without delay or expense for the smallest interests. The book to which we have referred details a scheme to meet these requirements, which seems, from Lord John Russell's announcement in Parliament on Monday, the 4th inst., to be identical in principle with the Government measure. We shall take a future opportunity to examine the proposals for legislation on this subject.

## PUBLIC EXAMINATION.—TRINITY TERM, 1853.

The Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

**RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.**

An examination will be held in next Trinity Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs, on or before Friday, the 20th day of May next, and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Monday, the 23rd day of May next, and will be continued on the Tuesday and Wednesday following.

Each of the three days of examination will be divided as under:—

From half-past nine A.M. to half-past twelve.

From half-past one P.M. to half-past four.

The examination will be partly oral and partly conducted by means of printed questions, to be delivered to the students when assembled for examination, and to be answered in writing.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect the students to be acquainted with the following books, which will form the ground of his examination:—

Hallam's Constitutional History, last volume; The Reign of William the Third, in Tindal or Belsham; Millar on the English Constitution; The Reign of Queen Anne, in Tindal or Belsham; The Statute Book during the Reigns of Charles the Second, William the Third, and Queen Anne; The State Trials during the same Period; The Parliamentary History during the same Time; Mably Droit Public De L'Europe; The Fragment of Sir James Macintosh; The First and Fourth Volumes of Blackstone's Commentaries.

Those who are candidates only for certificates will be expected to know the last volume of Hallam's Constitutional History, and to answer any general questions on the History of England.

The READER ON EQUITY will examine in the following books:—

1. Mitford on Pleadings in the Court of Chancery; Calvert on Parties to Suits in Equity, chaps. 1 and 2; Smith's Manual of Equity Jurisprudence; the Act for the Improvement of Equity Jurisdiction, 15 & 16 Vict. c. 86.

2. Sir James Wigram's Points in the Law of Discovery, "Defence by Plea;" Story's Commentaries on Equity Jurisprudence, vols. 1 and 2; the principal Cases in White & Tudor's Leading Cases, vols. 1 and 2.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine in the following books and subjects:—

1. Justinian—Institutes, book 2, tit. 1 . . . 9.

2. Gaius—Institutes, lib. 2, sect. 1 . . . 96.

3. Story—Conflict of Laws, chaps. 9 and 10.

4. The Jur. Pignoris. The modern authorities consulted may be Warnkönig—Institutes, lib. 1, cap. 5; or Colquhoun—Roman Civil Law, book 3, tit. 17.

5. The Right of Visitation and Search.

Candidates for distinction will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in (1) and (3).

The READER ON THE LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

*Class I.*

Williams on Real Property; 1 Steph. Com., book 2; and Butler's Notes to Co. Litt. 191. a., sect. 2, 5; 271. b.

*Class II.*

Trusts for Accumulation, and the Operation of the 39 & 40 Geo. 3, c. 93.

Powers of Sale, and the Liability of Purchasers to see to the Application of their Purchase Money.

The Statutory Rules of Construction laid down by the 1 Vict. c. 26.

Candidates for a certificate merely will be examined exclusively in the books comprised in Class I.

Candidates for a studentship or other honourable distinction will be examined in the books and subjects comprised in Classes I. and II.

The EXAMINATION IN COMMON LAW, with a view to a certificate to be called to the Bar, will embrace the following subjects:—

1. The ordinary Steps and Proceedings in an Action at Law.

2. The Elementary Principles of the Law of Contracts.

Candidates for the studentship and for honours will be examined not only on the above topics, but also in the following books and subjects:—

1. The Nature and Requisites of Contracts, (Chit.

jun. on Contracts not under Seal, chaps. 1 and 4; *Colins v. Blantern*, 1 Smith's L. C. 154; and *Mitchell v. Reynolds*, Id. 171, with the notes thereto).

2. The Law of Bailments, (so far as treated of in Chit. jun. on Contracts not under Seal, pp. 408—433; and in the note to *Coggs v. Bernard*, 1 Smith's L. C. 82).

3. The Rules of Evidence of ordinary application.

By order of the Council,

W. P. Wood, Chairman pro tem.

Council Chamber, Lincoln's Inn,

April 11, 1853.

### Court Papers.

### EQUITY SITTINGS, PREVIOUS TO AND IN EASTER TERM, 1853.

#### Rolls Court.

Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.

#### Previous to Easter Term.

Tuesday... April 12 Motions.  
Wednesday..... 13 } Pleas, Demurrers, Causes, Claims,  
Thursday..... 14 } Further Directions, and Exceptions.

#### Easter Term, at Westminster.

Friday..... 15 Motions.  
Saturday..... 16 Petitions in General Paper.  
Monday..... 18 } Pleas, Demurrers, Causes, Claims,  
Tuesday..... 19 } Further Directions, and Exceptions.  
Wednesday..... 20 }  
Thursday..... 21 Motions.  
Friday..... 22 }  
Saturday..... 23 } Pleas, Demurrers, Causes, Claims,  
Monday..... 25 } Further Directions, and Exceptions.  
Tuesday..... 26 }  
Wednesday..... 27 }  
Thursday..... 28 Motions.  
Friday..... 29 }  
Saturday..... 30 } Pleas, Demurrers, Causes, Claims,  
Monday.... May 2 } Further Directions, and Exceptions.  
Tuesday..... 3 }  
Wednesday..... 4 }  
Thursday..... 5 Motions.  
Friday..... 6 } Pleas, Demurrers, Causes, Claims,  
Saturday..... 7 } Further Directions, and Exceptions.  
Monday..... 9 Motions.

Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday. The Unopposed Petitions to be taken first.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

### EQUITY CAUSE LISTS, PREVIOUS TO AND IN EASTER TERM, 1853.

\*. The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—S. O. Stand Over—Sh. Short.

#### Court of Chancery.

Before the LORD CHANCELLOR.

#### APPEALS.

Trail v. Ball (Ap. part heard) } Gooch v. Gooch }  
Tidd v. Lyster (Ap Ptn) } Same v. Same. }

#### Before the LORDS JUSTICES.

Roberts v. Roberts (F D, C) } Terrott v. Bonner (7 causes,  
Vigurs v. Vigurs (F D, C) } F D, C)  
Barlow v. Barlow (F D, C) } Boys v. Bradby (Ap)

Barratt v. M'Dermott (Ap,

Ptn)

Pearson v. Rutter (Ap)

Swinburn v. Nelson (Ap)

Lucas v. Cutts (Ap)

Moffat v. Harrington (Ap).

#### Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

Wood v. Sutcliffe  
Langford v. Gillman  
Crouch v. Bonney  
Trevillian v. Mayor, &c. of Exeter  
Lander v. Weston  
Freeth v. Hoskins }  
Same v. Marshall }  
Attorney-Gen. v. Overton  
Willets v. Hutchins (Cl)  
Jenkins v. Robertson (F D, C)  
Lane v. Horlock  
Whitbread v. Smith  
London and South-western Railway Co. v. Barwick (Cl)  
Pattenden v. Hobson (F D, C)  
Evans v. Evans (F D, C)  
Fry v. Watson (Cl)  
Watson v. Goring (F D, C)  
Smith v. Taylor  
Lewes v. Lewes  
Smith v. Smith (Cl)  
M'Leod v. Annesley  
Bonfil v. Purchase (F D) SA  
Johnson v. Tucker  
Kirk v. Pritchard  
Mapp v. Elcock (E, F D)  
Cornwall v. Cornwall (F D) SA  
Poore v. Cullen (Cl) SA  
Tyson v. White (E)  
Ingram v. Ingram (Cl)  
Hodson v. Micklethwaite  
Waller v. Vigurs (Cl)  
Molyneux v. Molyneux (F D, C)  
Rawley v. Greves

Laffer v. Pedler (Cl)  
Parker v. Sowerby (F D, C)  
Fullerton v. Martin (4 causes, F D, C)  
Dickenson v. Peacock  
Crump v. Crump (F D, C)  
Coventry v. Earl of Coventry }  
Earl of Coventry v. Temple } (F D, Ptn)  
Ivall v. Ivall (F D, C) SA  
Lake v. Currie  
Hitchcock v. Hitchcock  
Cook v. Gregson (2 Cls)  
Jones v. Jessop (F D, C)  
Trimmer v. Danby  
Lake v. Currie (F D, C)  
Day v. Day (Special case)  
Forder v. Bowman  
Moodie v. Banister  
Heaphy v. Heaphy (F D, C)  
Coxon v. Coxon (F D, C)  
Llewellyn v. Hill (F D, C)  
Groom v. Booth (Special case)  
Wilks v. Groom  
Whitehead v. Bennett (7 ca. F D, C)  
Same v. Whitehead }  
Clements v. Bowes  
Davey v. Bayfield (F D, C)  
Caton v. Everall (Cl)  
Piddocks v. Boulton (F D, C)  
Turner v. Theed SA  
Carier v. Theed SA  
Richardson v. Richardson (4 causes, F D, C)  
Cartar v. Taggart (9 causes, F D, C)  
Bennett v. Woodall (F D, C).

#### Before Vice-Chancellor STUART.

Minshall v. Lee (Cl)  
Rees v. Rees (Cl)  
Davey v. Martin (Cl)  
Saunders v. Ottway (E to an.)  
Douglas v. Baxter  
Taylor v. Taylor  
Brown v. Bowden (F D, C)  
Gawthorne v. Goodale (E, F D)  
Goodale v. Same (By order)  
Atkinson v. Parker } (F D, C)  
Brennan v. Brennan }  
Crofts v. Sturgis (Cl)  
Munsey v. Padwick } (Cl)  
Knight v. Same }  
Whythead v. Hill (Cl)  
Woodhard v. Polson (Cl)  
Tingey v. Piggott (F D, C)  
Mounsey v. Elmalie  
Ogden v. Same  
Lee v. Holmes  
Cookson v. Lee (Cl)  
Smith v. Blackman  
Dear v. Moser (Cl)  
Gater v. Moberley (2 sp. cas.)  
Gabb v. Comely }  
Same v. Chandler }  
Thompson v. Postbury Pier and Railway Co.  
Cable v. Cooper  
Symonds v. Symonds (Cl)  
Plumridge v. Smith (E)  
Lyne v. Calvert (E)  
Powell v. Pershouse (E)

Kear v. Kear  
Jones v. Tynte (2 causes)  
Wright v. Massey (8 causes)  
Horton v. Wall (Cl)  
Ashby v. Fielder (Cl)  
Pullen v. Hooke (6 causes, F D, C)  
Staniland v. Willett (F D, C)  
Brown v. Lewis (F D, C)  
Tewart v. Lawson (F D, C)  
Partridge v. Thompson (Cl)  
Burton v. Sills (Cl)  
Wragg v. Wragg (F D, C)  
Townsend v. White (F D, C)  
Fleming v. Buchanan (F D, C)  
Harvey v. Bateman  
Sankey v. Sayer (Cl)  
Ladbroke v. Lee (F D, C)  
Inge v. Birmingham, &c. Railway Co.  
Payne v. Bainbridge (F D, C)  
Gunn v. Savill (F D, C)  
Kelland v. Moon (Cl)  
M'Neill v. Acton  
Heward v. Wheatley (F D, Ptn)  
Gratrix v. Chambers (F D, C)  
Fickling v. Fairbairn  
Nottidge v. Tebbs  
Johnson v. Thompson (F D, C)  
Paddon v. Richardson After T.  
Seton v. Waller (6 causes, F D, C)

consideration)  
 Geller v. Geller } (E)  
 Geller v. Bird }  
 Hall v. Williams (Cause)  
 Edwards v. Carey (F D, C)  
 Parker v. South-eastern Rail-  
 way Co. (Cl)  
 Sayer v. Richardson (Cl)  
 Bailey v. Dowding (Further  
 consideration)  
 Lloyd v. Scott (Cl)  
 Gerry v. Wakefield (Cause)  
 Hilton v. Hibbert (Cl)  
 Barker v. Witts (Cause) SA  
 Atherton v. Crowther } (Ca.)  
 Atherton v. Chawner }  
 Williams v. Williams (M for  
 decree)  
 Sherwin v. Shakspear (Cause)  
 Bower v. Fern (Further con.)

Thomas v. Davies  
Preston v. Liverpool, Man-  
chester, & Newcastle-upon-  
Tyne Junction Railway Co.  
(Cause)  
Beale v. Symonds } (F D, C)  
Beale v. Sill } Trinity  
Beale v. Symonds } Term  
Beale v. Tennant }  
Tyrell v. Preston (Cause)  
Mason v. Clarke (Cause)  
Bowman v. Green (Cause)  
Dyne v. Costobadie (E)  
Hawker v. Wood } (Cause by  
Hawker v. Helps } order)  
Johnson v. Smiler (E, F, D, C)

Johnson v. Newton (F D, C)  
Chavasse v. Johnson  
Adkins v. Piper (CI)  
Hussey v. Bickerton (F D, C)  
Ely v. Hall  
Brookman v. Waterworth (M  
for decree)  
Purkis v. Edwards (CI)  
Terrell v. Gail (M for decree)  
Hopkins v. Brown (F D, C)  
Vining v. Plowman (CI)  
Peace v. Hains (F D, C)  
Brook v. Brook  
Aspinall v. London and North-  
western Railway Co.  
Fawcett v. Argent (3 causes)  
Tubb v. Penton (M for decree).

Wade v. Hopkinson	(FD, C)	Laurence v. Baldock	(Re- hear.)
Wade v. Girdwood		Laurence v. Laurence	
Wade v. Wade		Sykes v. Sykes (CI)	
Wade v. Wade		Notley v. Davis (CI)	
Wade v. Wade		Egarr v. Egarr (Cause)	
Patterson v. Huddart (Special case)		Barton v. Whitcomb (Cause)	
Lambarde v. Older (CI)		Gilbert v. Gilbert (M for dec.)	
Taylor v. Jones (CI) <i>SA</i>		Addison v. Buak (F D, C)	
Hope v. Sleight (CI)		Fregleton v. Mousely } (M for	
Chandler v. Pipe (M for dec.)		Same v. Same } dec.)	
Gathercole v. Fyffe (F D, C)		Cox v. Gallienne (CI)	
Troutbeck v. Foster (F D, C)		Tiffin v. Longman (F D, C)	
Toulmin v. Reid (F D, C)		Jennings v. Bailey (CI)	
Harris v. Viner (F D, C)		Bennett v. Dolphin (CI)	
Bateman v. Hotchkiss (F D, C)		Robinson v. Webb (Cause)	
Cookson v. Bingham (Cause)		Rosse v. Jenkins (CI)	
Fiby v. Davy (CI) <i>SA</i>		Patrick v. Andrews (M for decree)	

### COMMON-LAW SITTINGS, IN AND AFTER EASTER TERM, 1853.

#### Court of Queen's Bench.

##### MIDDLESEX.—In Term.

1st sitting, Monday	April 18	Any common jury cause may be taken at these sittings.
2nd sitting, Monday	25	
3rd sitting, Monday	May 2	For undefended causes only.

After Term.—Tuesday, May 10.

##### LONDON.—In Term.

1st sitting	Friday	April 22
2nd sitting	Friday	29
[Any common jury cause may be taken in term.]		

After Term.—Friday, May 13.

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Tuesday	Friday
April 19	April 22
26	29

##### After Term.

Tuesday	Friday
May 10	May 13

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Exchequer of Pleas.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting, Monday	1st sitting, Friday
April 18	April 22
2nd sitting, Monday	2nd sitting, Friday
25	29
3rd sitting, Monday	
May 2	

##### After Term.

Tuesday	Saturday
May 10	May 14

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

### COMMON-LAW CAUSE LIST, EASTER TERM, 1853.

#### Court of Queen's Bench.

##### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER HILARY TERM, 1853.

FOR ARGUMENT.	FOR JUDGEMENT.
MICH. TERM, 1852.	HILARY TERM, 1853.
Midd.—Maugham v. Smith	Midd.—Tucker v. Stocker
Monmouth—Keyse v. Powell	" Ravenhill v. Tucker
(Part heard)	" Manley v. Boycott
	" Fromont v. Ashley
	Lond.—Holt v. Ely
	" Kernot v. Pittis
	" Rayner v. Allhusen
	Tried during Hilary Term, 1853.
	Midd.—Everard v. Watson
	" Dansey v. Richardson
	" Batard v. Hawes
	" Mantel v. HHI
	" Howard v. Hudson
	Lond.—Baker v. Burge.

### SPECIAL CASES, DEMURRERS, AND COUNTY COURT APPEALS.

FOR EASTER TERM, 1853.

Those marked thus \* are Special Cases, and thus † are Appeals from County Courts—the rest are Demurrers.

FOR ARGUMENT.	FOR JUDGEMENT.
MICH. TERM, 1852.	HILARY TERM, 1853.
Doe d. Housfield v. Ridal (Sp. Vend.—Stands till Kernet v. Pittis is disposed of in the Exchequer Chamber)	*Gill v. Fowke (Part heard, stands for arrangement)
	Attwooll v. Attwooll
	*Evans & ors. v. Lancashire & Yorkshire Railway Co.
	Evans & ors. v. Same
	†Drakeford v. Waller
	†Stephenson v. Thomas
	Morewood & an. v. Pollock
	*Porrier v. Morris
	Jeffreys v. Higgins
	Edwards v. Cox
	Foster v. Hayes & an.

#### ENLARGED RULES

FOR EASTER TERM, 1853.

First Day.	Reg. v. Metropolitan Commissioners of Sewers
In re SH	Same v. Thwaites
Reg. v. Mayor, Aldermen, &c. of Leicester	Same v. Fielding.

#### CROWN PAPER, EASTER TERM, 1853.

Middlesex	Reg. v. Vestrymen of St. Pancras.
Same	Swainborne.
Lancashire	Fielding.
Shrewsbury	Recorder of Shrewsbury.
Middlesex	Temple.
Newbury	Binney.
Wiltshire	Great Western Railway Co.
Gloucestershire	Inhabitants of Stapleton.

#### Court of Common Pleas.

##### NEW TRIALS.

MICH. TERM, 1848.	Midd.—Dalton v. Midland Railway Co.
Surr.—Hamilton v. Cochrane	" Berry v. Alderman
HILARY TERM, 1853.	Suspended.
Midd.—Evans v. Edmonds	Lond.—Hakeman v. Freeman.
Lond.—Enthoven v. Hamond	

#### ENLARGED RULES.

Generally.	Dalby v. India and London Life Assurance Co.
In re Sharp v. All (In prohib.)	

#### DEMURRER PAPER.

Friday, April 22.	Shenk v. Godts
General Steam Navigation Co. v. Morrison	Magnay v. Edwards.

#### CUR. ADV. VULT.

Moffatt v. Dickson.

**Court of Exchequer.****SITTINGS—EASTER TERM, 1853.**

<i>Days in Term.</i>	<i>Banc.</i>
Friday .... April 15	Motions and Peremptory Paper.
Saturday ..... 16	Errors, Peremptory Paper, & Motions.
Monday ..... 18	.....
Tuesday ..... 19	.....
Wednesday ..... 20	Special Paper.
Thursday ..... 21	.....
Friday ..... 22	.....
Saturday ..... 23	Crown Cases.
Monday ..... 25	Special Paper.
Tuesday ..... 26	.....
Wednesday ..... 27	Special Paper.
Thursday ..... 28	.....
Friday ..... 29	.....
Saturday ..... 30	.....
Monday .... May 2	Special Paper.
Tuesday ..... 3	.....
Wednesday ..... 4	.....
Thursday ..... 5	.....
Friday ..... 6	.....
Saturday ..... 7	.....
Monday ..... 9	.....

<i>Days in Term.</i>	<i>Nisi Prius.</i>
Monday .. April 18	Middlesex first Sitting.
Friday ..... 22	London first Sitting.
Monday ..... 25	Middlesex second Sitting.
Friday ..... 29	London second Sitting.
Monday .... May 2	Middlesex third Sitting.

**NEW TRIALS.**

<i>FOR ARGUMENT.</i>	<i>Moved Mich. Term, 1852.</i>
<i>Moved Easter Term, 1851.</i>	
Kingston—Griffin v. Humphery	Maidstone—Hills v. Mitson
<i>Moved Hilary Term, 1852.</i>	<i>Moved Hilary Term, 1853.</i>
London—Vincent v. Shropshire	Midd.—Reneaux v. Teakle
Union Railways and Canal Co.	„ Smith v. Dodd
	„ Pinhorn v. Sonster.

**PEREMPTORY PAPER.**

*To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.*

Martin v. Brearey | Boddington v. De Melfort.

**SPECIAL PAPER.**

<i>FOR ARGUMENT.</i>	
Williams v. Wilson	Joynes v. Smith
Price v. Hewett	Robertson v. Brockett.

**London Gazettes.****FRIDAY, APRIL 8.****BANKRUPTS.**

**GEORGE IRELAND**, Old Church-street, Paddington, Middlesex, bricklayer, dealer and chapman, April 21 at 12, and May 19 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Spicer, 118, Chancery-lane.—Petition filed April 7.

**JOSEPH SIMON SAMUEL**, Hatton-garden, Middlesex, watch manufacturer and jeweller, dealer and chapman, April 21 at 2, and May 26 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Teague, Crown-court, Cheapside.—Petition filed April 5.

**WILLIAM READING**, Charles-street West, Paddington, Middlesex, builder, April 20 at 2, and May 20 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Messrs. Bicknell, 79, Connaught-terrace, Edgeware-road.—Petition filed April 4.

**SARAH MAYO**, Birmingham, hotel and tavern keeper, dealer and chapman, April 18 and May 9 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Gem & Co., and Bloxham, Birmingham; Cox & Sons, 14, Sise-lane, London.—Petition dated March 19.

**WILLIAM BRITTAIN**, Finchley New-road, Hendon, Middlesex, builder and brickmaker, dealer and chapman, (now a prisoner for debt in the Debtors Prison for London and Middlesex), April 15 and May 20 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Reed, 63, Coleman-street, City.—Petition filed March 26.

**JOHN BRANDON**, Pensnett, Kingswinford, Staffordshire, draper and clothier, dealer and chapman, April 23 and May 21 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Doddington, Dudley.—Petition dated April 7.

**MEETINGS.**

*Thomas Holland*, Langham, near Godalming, Surrey, manufacturer, May 3 at 11, Court of Bankruptcy, London, and ac. and div.—*Wm. H. Chidwick*, Dover, Kent, tobaccoist, April 21 at 11, Court of Bankruptcy, London, and ac.—*B. A. Yandall*, Bath, Somersetshire, innkeeper, April 29 at 11, District Court of Bankruptcy, Bristol, and ac.—*George Wm. Bright*, Swansea, Glamorganshire, licensed victualler, April 29 at 12, District Court of Bankruptcy, Bristol, and ac.—*E. Dickinson*, Wolverhampton, Staffordshire, corn merchant, May 18 at 12, District Court of Bankruptcy, Birmingham, and ac.; May 25 at 12, fin. div.—*Howard James* and *Thos. James*, Rushall Mills, Rushall, Staffordshire, millers, April 20 at 12, District Court of Bankruptcy, Birmingham, and ac.; May 4 at 12, div.—*John Hinks*, Warwick, grocer, April 20 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Tanner*, Alcester, Warwickshire, draper, May 18 at 12, District Court of Bankruptcy, Birmingham, and ac. and div.—*Wm. Walton*, Leamington-priors, Warwickshire, baker, May 18 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Cousins*, Wolverhampton, Staffordshire, coach builder, April 21 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Charles Hare*, Huddersfield, Yorkshire, manufacturing chemist, May 9 at 11, District Court of Bankruptcy, Leeds, and ac.; May 6 at 11, div.—*J. L. Mortimer*, St. Thomas-the-Apostle, near Exeter, Devonshire, linen draper, April 29 at 2, Court of Bankruptcy, London, div.—*Thos. E. Southee*, Fleet-street, London, advertising agent, April 29 at 2, Court of Bankruptcy, London, div.—*Richard Whistaker*, Landport, Hampshire, outfitter, May 2 at 12, Court of Bankruptcy, London, div.—*John Richards*, George-yard, Lombard-street, London, metal broker, May 3 at half-past 12, Court of Bankruptcy, London, div.—*Christian King*, New Bond-street, Middlesex, ravalenta arabica manufacturer, May 3 at 12, Court of Bankruptcy, London, div.—*George Collier* and *Louisa Collier*, Hatton-garden, Middlesex, bookbinders, May 3 at half-past 11, Court of Bankruptcy, London, div. joint and sep. ests.—*Joseph Jarvis* and *James Jarvis*, Great Bush-lane, Cannon-street, London, wine merchants, April 30 at 1, Court of Bankruptcy, London, div.—*Edward Winstanley* and *Henry George Winstanley*, Poultry, London, chemists, April 30 at 2, Court of Bankruptcy, London, div. joint est., and fin. div. sep. est. of *E. Winstanley*.—*Augustus Bozzy Granville*, Wembly, near Harrow-on-the-Hill, and Piccadilly, Middlesex, boarding-house keeper, April 30 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Williams* and *Robert M. Marchant*, Great George-street, Westminster, Middlesex; Liverpool, Lancashire; and Campden, Gloucestershire, contractors for public works, April 30 at 12, Court of Bankruptcy, London, fin. div.—*P. Rufford*, *F. Rufford*, and *C. J. Wragge*, Stourbridge, Worcestershire, bankers, April 30 at 10, District Court of Bankruptcy, Birmingham, and ac. and div.—*William Henry Barrett*, Gloucester, miller, May 6 at 12, District Court of Bankruptcy, Bristol, fin. div.

**CERTIFICATES.**

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas B. Miller* and *William Miller*, Henstridge-villas, St. John's Wood, Middlesex, builders, April 29 at half-past 1, Court of Bankruptcy, London.—*Thomas Holland*, Langham, near Godalming, Surrey, manufacturer, May 3 at 11, Court of Bankruptcy, London.—*Louisa Collier* and *Matilda Collier*, Hatton-garden, Middlesex, bookbinders, May 3 at half-past 11, Court of Bankruptcy, London.—*Alexander Bain*, Old Bond-street, Middlesex, electric clock maker, April 30 at 1, Court of Bankruptcy, London.—*W. Williams* and *Robert M. Marchant*, Great George-street, Westminster; Liverpool; and Campden, Gloucestershire, contractors for public works, April

30 at 12, Court of Bankruptcy, London.—*H. Burgess Raff*, Woolwich, Kent, wharfinger, April 30 at 2, Court of Bankruptcy, London.—*Benjamin M. Burroughs*, Liverpool, ironmonger, May 2 at 11, District Court of Bankruptcy, Liverpool.—*C. Here*, Huddersfield, Yorkshire, manufacturing chemist, May 2 at 1, District Court of Bankruptcy, Leeds.—*Richard Parkes Hunt*, Kidderminster, Worcestershire, hosier, May 4 at 12, District Court of Bankruptcy, Birmingham.—*Herbert Allen*, Birmingham, tailor, May 4 at 12, District Court of Bankruptcy, Birmingham.—*Samuel Jones*, Kids Grove, Wolsanton, Staffordshire, joiner, April 30 at 1, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*William Ward*, Manchester, auctioneer.—*Thos. Compere*, Aylesford, Kent, and Cleveland-street, Mile-end, Middlesex, paper maker.—*Henry Worms*, Blackfriars-road, Surrey, bootmaker.—*George Coldwell*, Ashton-under-Lyne, Lancashire, shoemaker.—*Thomas Moyle*, Manchester, draper.—*William Ward Andrews*, Wolverhampton, Staffordshire, ironmonger.—*Thomas Speed* the elder, Liverpool, butcher.

#### PETITIONS ANNULLED.

*James Bishop Hounsham*, Two High-houses, Stoke Newington-road, Hornsey, Middlesex, schoolmaster.—*Wm. Bryan*, Gilbert-street, Oxford-street, St. George's, Hanover-square, Middlesex, baker.

#### PARTNERSHIPS DISSOLVED.

*J. Henry Hearn* and *Charles J. Newby*, Isle of Wight, solicitors and attorneys.—*Edward Fisher*, *Wm. Sherwin*, and *Thomas Burgh Dalby*, Ashby-de-la-Zouch, Leicestershire, attorneys, solicitors, and conveyancers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Humphreys*, Brandonw, Llanfrothen, Merionethshire, out of business, April 20 at 11, County Court of Carnarvonshire, at Portmadoc.—*George Francis*, Braceborough, Lincolnshire, labourer, April 25 at 10, County Court of Lincolnshire, at Stamford.—*George Court*, Maesteg, Llangunoyd, Glamorganshire, machinemaker, April 13 at 10, County Court of Glamorganshire, at Bridgend.—*J. York*, Selby, Yorkshire, potato buyer, April 14 at 10, County Court of Yorkshire, at Selby.—*James Arrowsmith*, Gainsborough, Lincolnshire, nail maker, April 11 at 12, County Court of Lincolnshire, at Gainsborough.—*John Hopkins*, Southampton, beer retailer, April 18 at 10, County Court of Hampshire, at Southampton.—*Sayers Kennington*, Lincoln, hairdresser, May 3 at 12, County Court of Lincolnshire, at Lincoln.—*C. Aylton*, Stratton St. Mary, Norfolk, licensed victualler, April 18 at 1, County Court of Norfolk, at Harleston.—*Jas. Ives*, Stowmarket, Suffolk, shoemaker, April 26 at 11, County Court of Suffolk, at Stowmarket.—*J. Rackham*, Wickham Market, Suffolk, saddler, April 23 at 10, County Court of Suffolk, at Woodbridge.—*Chas. Hill*, St. Mary's, Clist Village, Sowton, Devonshire, butcher, April 23 at 10, County Court of Devonshire, at Exeter.—*James Floody*, Newcastle-upon-Tyne, cartman and lodging-house keeper, April 28 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Edward Ridell*, Newcastle-upon-Tyne, licensed victualler, April 28 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*James Bristow*, Bath, Somersetshire, fly proprietor, April 16 at 11, County Court of Somersetshire, at Bath.—*Wm. Bayliss*, Bath, Somersetshire, licensed victualler, May 7 at 11, County Court of Somersetshire, at Bath.—*H. Beeson*, Birmingham, commercial traveller, April 16 at 10, County Court of Warwickshire, at Birmingham.—*Charles Knowles*, Liverpool, flour dealer, April 25 at 10, County Court of Lancashire, at Liverpool.—*William Baylis*, Liverpool, optician, April 25 at 10, County Court of Lancashire, at Liverpool.—*George Elsworth*, York, auctioneer, April 25 at 10, County Court of Yorkshire, at York.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

April 22 at 11, before the CHIEF COMMISSIONER.  
*Frances Clarke*, spinster, Broadway, Blackfriars, London, greengrocer.

April 22 at 10, before Mr. Commissioner LAW.

*Mendel Peizer*, Gravel-lane, Houndsditch, London, cook-shop keeper.

April 23 at 11, before Mr. Commissioner PHILLIPS.

*Obadiah Bellamy*, Clayland-place, Trigon-road, near Kennington Church, Surrey, relieving officer of the parish of Lambeth.—*Henry Field*, Merton-road, Kensington, Middlesex, builder.

April 25 at 11, before Mr. Commissioner PHILLIPS.

*John Slater*, Red Lion-st., Holborn, Middlesex, assistant to an artificial florist.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

April 21 at 11, before Mr. Commissioner PHILLIPS.

*Adjourned Case.*

*John Phillips*, Murray-st., New North-road, Hoxton, Middlesex, cotton wadding manufacturer.

April 22 at 11, before the CHIEF COMMISSIONER.

*John Douglas Johnstone*, Grosvenor-villas, Loughborough Park, Brixton, Surrey, attorney-at-law.—*Arthur Cooper*, Curzon-st., Wenlock-st., City-road, Middlesex, bill discounting agent.

April 22 at 10, before Mr. Commissioner LAW.

*James Cross Butcher*, Bermondsey-wall, Bermondsey, Surrey, licensed victualler.—*Alex. Cook*, Shaftesbury-st., Hoxton, Middlesex, out of business.—*John Ford*, Dulwich College, Dulwich, Surrey, pensioner.

April 25 at 10, before Mr. Commissioner LAW.

*James Scott*, Myrtle-st., Hoxton, Middlesex, commission agent.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, April 22.*

*Wm. Dray*, Nuraling, out of business.—*G. Wallingford*, Ryde, Isle of Wight, ironmonger.—*John H. Corbet*, Portsmouth, lessee of the Portsmouth Theatre.

*At the County Court of Derbyshire, at DERBY, April 23 at 12.*

*Richard Fish*, Buxton, joiner.—*Thomas Platts*, Ashford-in-the-Water, pork butcher.—*Luke F. Bingham*, Bakewell, innkeeper.

*At the County Court of Devonshire, at EXETER, April 23 at 10.*

*Wm. Fulford*, Exeter, miller.—*J. S. Sargent* the younger, Devonport, out of business.

*At the County Court of Lancashire, at LANCASTER, April 23 at 11.*

*Henry Barlow*, Heaton Norris, near Manchester, out of business.—*John Taylor*, Liverpool, out of business.—*Edward Place*, Liverpool, cabinet maker.—*Robert Sutton*, Liverpool, porter.—*John Young*, Salford, beer seller.—*Thomas Platt*, Newtown, Manchester, out of business.—*William Burgess*, Pendleton, near Manchester, plumber.—*James Hall*, Preston, out of business.—*Thos. Helme*, Lancaster, licensed victualler.—*James Bullock*, Manchester, assistant to a cowkeeper.—*Jacob Cottrell*, Stretford, near Manchester, out of business.—*Edmund Allonby*, Hawkshead, out of business.—*J. Spencer*, Fulledge, near Burnley, out of business.—*James Woolfall*, Blackburn, plumber.—*Edward Brown*, Sloane-st., Chelsea, Middlesex, out of business.—*David Clifford*, Liverpool, out of business.—*J. Davies*, St. Asaph, Flintshire, North Wales, farmer.—*Alexander Pettigrew*, Hulme, Manchester, bookkeeper.—*Joshua Scholes*, Ashton-under-Lyne, retail dealer in ale.—*Wm. Kirkham*, Lancaster, out of employment.—*Wm. Huddleston*, Lancaster, slater.—*Radcliffe Wolatencroft*, Oldham, joiner.—*John Vero*, Liverpool, licensed victualler.—*Henry Higson*, Rumworth, near Bolton-le-Moors, cabinet maker.—*Henry Abram*, Liverpool, pavior.—*Michael Cox*, Liverpool, grocer.—*J. Smith*, Ashton-under-Lyne, general dealer.

*At the County Court of Yorkshire, at YORK, April 25.*

*James Garside*, Rishworth, near Halifax, out of business.—*The Rev. John Starkey*, Wakefield, clerk in holy orders.—*John Gillott*, Gledle, near Sheffield, commission agent.—*Eliza Hollingworth*, Kirkgate, Leeds, licensed victualler.—*Samuel*



*Metcalf*, New Wortley, near Leeds, commission agent.—*John Helliwell*, Hebdenbridge, near Halifax, grocer.—*W. Hutton*, Eccleashall, near Bradford, woollen manufacturer.—*J. Ward*, Batley, near Dewsbury, general-shop keeper.—*Henry Best*, Halifax, grocer's assistant.—*Nathaniel Turner*, Hungerhill Morley, cloth manufacturer.—*John Dawson* the younger, Hunslet, near Leeds, out of business.—*Robert L. Wells*, Baxtergate, Doncaster, shoemaker.—*Robert Cooper*, Ripley, near Knaresborough, farrier.—*Thomas Beaumont*, Hightown, near Leeds, out of business.—*Thomas Sheard*, Mirfield, near Dewsbury, out of business.—*John Roebuck*, Pitts Moor, near Sheffield, out of business.—*James Haigh*, Paddock, near Huddersfield, out of business.—*Thomas Donnelly*, Sheffield, out of business.—*Wm. Green*, Hessle, near Hull, corn dealer.—*John Steel*, Bradford, carpenter.—*William J. Simmonite*, Sheffield, schoolmaster.—*James Haigh*, Halton, Whitkirk, near Leeds, grocer.—*James Brown*, Boston Spa, near Tadcaster, blacksmith.—*James Rhodes*, Heckmondwike, wool-sorter.—*Godfrey Berry*, Goodramgate, out of business.—*W. Lockwood*, Hightown, near Leeds, out of business.—*James Horsfall*, Little Horton, Bradford, out of business.—*Thomas Wood*, Leeds, agent for the sale of woollen cloths.—*George Naylor*, Tadcaster, grocer's assistant.—*James Drury*, Leeds, joiner.—*Joshua Lister*, Wardsfold, Mabgate, Leeds, engineer.—*Thomas Thackuray*, Leeds, builder.—*W. Osley*, Barnsley, innkeeper.—*Thomas Cookson*, Elland, near Halifax, out of business.—*John Lightowler*, Bowling, near Bradford, licensed retailer of beer.—*James Clarkson*, Bradford, out of business.—*Martha Illingworth*, Bradford, out of business.—*George Armitage*, Bradford, out of business.—*E. Hindle*, Bradford, out of business.—*George Fox*, Mexbrough, out of business.

*At the County Court of Carmarthenshire, at CARMARTHEN, April 26 at 2.*

*Henry L. Howell*, Carmarthen, out of business.

*At the County Court of Lincolnshire, at LINCOLN, May 3 at 12.*

*Charles Lowe*, Billingham, baker.—*William Densby*, Great Grimsby, tailor.—*Alexander Ramsden*, Waltham, near Great Grimsby, out of employment.—*James Ramsden*, Waltham, near Great Grimsby, wheelwright.

## TUESDAY, APRIL 12.

### BANKRUPTS.

**MOSS SAMUEL**, Castle-street, Houndsditch, London, dealer in watches and jeweller, dealer and chapman, April 26 at 2, and May 24 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Teague, 5, Crown-court, Cheapside, London.—Petition filed April 8.

**GEORGE HODGE**, Ticehurst, Sussex, builder, dealer and chapman, April 25 at 2, and May 17 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Cripps, Tunbridge Wells, Kent; Church & Langdale, 38, Southampton-buildings, Chancery-lane, London.—Petition filed April 4.

**WILLIAM SERRELL OAKE**, Longfleet, Poole, painter, plumber, and glazier, April 22 at half-past 1, and May 20 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Welch, Poole; Fox & Son, 40, Finsbury-circus, London.—Petition filed April 7.

**FRANCIS ROLFE**, Great Marlborough-street, Middlesex, tailor, dealer and chapman, April 22 at 2, and May 27 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Alderton, 2, Ingram-court, Fenchurch-street.—Petition dated April 9.

**JOSEPH LEGGE** and **JOHN LEGGE**, Marlborough-road, Brompton, and Churton-st., Belgrave-road, Piccadilly, Middlesex, cabinet makers and upholsterers, April 22 at 1, and May 27 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Pain, 5, Gresham-st., City; Roscoe, 14, King-st., Finsbury-square.—Petition dated April 2.

**WALTER MARSON**, Wolverhampton, Staffordshire, draper, April 23 and May 21 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Kitson, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated April 8.

**JOHN SCOTT**, Nottingham, grocer, May 6 and 27 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Maples, Nottingham; Wells, Nottingham.—Petition dated April 6.

**WILLIAM LLOYD MARSHALL**, Spring Mill Upper Brewery, Almondbury, Yorkshire, common brewer, dealer and chapman, April 25 and May 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds.—Petition dated March 26.

### MEETINGS.

*Wm. Crowley*, Newport Pagnell, Buckinghamshire, wheelwright, April 18 at 12, Court of Bankruptcy, London, ch. ss.—*Frederick Wm. Thomas*, Leadenhall-street, London, auctioneer, May 4 at 12, Court of Bankruptcy, London, last ex.—*George Armstrong*, South Shields, Durham, builder, May 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Wm. Nicholson*, Shotley Bridge, Durham, timber merchant, April 27 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Thomas Young*, Sunderland, shipowner, May 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Daniel Merewether Ford*, Lawrence-lane, Cheapside, London, carrier, April 27 at 1, Court of Bankruptcy, London, aud. ac.—*J. F. Mason*, Dover, Kent, draper, April 26 at 1, Court of Bankruptcy, London, aud. ac.—*H. Courtis*, Newport, Monmouthshire, grocer, April 28 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John Rhodes* the younger, Oldham, Lancashire, tailor, April 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Richard Collins*, Clitheroe, Lancashire, grocer, April 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*James Burt* and *James Burt* the younger, Manchester, and *Wm. T. Watson*, Leeds, Yorkshire, commission agents, April 25 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Charles Edmondstone*, Over Darwen, Lancashire, paper manufacturer, April 25 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*George Ellins*, Droitwich, Worcestershire, salt manufacturer, April 25 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Mitchell*, Finsbury-place South, London, and Upper Fitzroy-street, Fitzroy-sq., Middlesex, and Kent-st., Southwark, Surrey, furniture dealer, May 3 at 1, Court of Bankruptcy, London, fin. div.—*Edward Gibson*, St. Alban's, Hertfordshire, banker, May 9 at 12, Court of Bankruptcy, London, div.—*William Mayfield*, Spalding, Lincolnshire, grocer, May 6 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Hiram Broadbent*, Dukinfield, Cheshire, grocer, May 5 at 12, District Court of Bankruptcy, Manchester, div.—*James Hawarden*, *Robert Myerscough*, and *John Jackson*, Little Bolton and Manchester, Lancashire, manufacturers of cotton cloth, May 5 at 12, District Court of Bankruptcy, Manchester, div. sep. ests. of *James Hawarden* and *Robert Myerscough*.—*George Capper* and *Ralph Capper*, Nantwich, Cheshire, cheese factors, May 4 at 12, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Andrew Love*, Liverpool, looking-glass manufacturer, May 5 at 11, District Court of Bankruptcy, Liverpool.—*Andrew Fraser*, Newcastle-upon-Tyne, corn merchant, May 11 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.

*To be granted, unless an Appeal be duly entered.*

*George Rogers*, Compstall Bridge, Cheshire, grocer.—*Wm. Mayfield*, Spalding, Lincolnshire, grocer.

### PARTNERSHIP DISSOLVED.

*James Heather* and *Francis H. Moger*, Paternoster-row, London, attorneys and solicitors.

### SCOTCH SEQUESTRATIONS.

*Anne M'Kay*, Dornoch, Sutherlandshire, merchant.—*John Russell*, Slamannan, Stirlingshire, builder.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*J. Purchase*, Southsea, Portsea, Southampton, merchant's clerk, April 29 at 11, County Court of Hampshire, at Portsmouth.—*John Nichols*, Stourbridge, Oldswinford, Worcestershire, April 18 at 10, County Court of Worcestershire, at Stourbridge.—*Thomas Styles*, Bagshot, Windlesham, Surrey, bricklayer, April 27 at 12, County Court of Surrey, at Chertsey.—*George L. Sharp*, Great Warley, near Brentwood, Essex, beer retailer, May 6 at 11, County Court of Essex, at Brentwood.—*Wm. Morgan* the elder, Gloucester, builder,

April 28 at 10, County Court of Gloucestershire, at Gloucester.—*Joseph Parrott*, Aylesbury, Buckinghamshire, wheelwright, April 27 at 12, County Court of Buckinghamshire, at Aylesbury.—*Fison Spalding*, St. Andrew-the-Less, Cambridgeshire, publican, April 25 at 10, County Court of Cambridgeshire, at Cambridge.—*Wm. Mayesent*, Sudbury, Suffolk, baker, May 4 at 12, County Court of Suffolk, at Sudbury.—*Peter Cameron*, Liverpool, butcher, April 25 at 10, County Court of Lancashire, at Liverpool.—*Peter James M'Manus*, Liverpool, commercial traveller, April 25 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

April 27 at 11, before the CHIEF COMMISSIONER.  
*Henry Masengard*, Gainsford-street, Horselydown, Southwark, Surrey, butcher.—*Joseph Perkins*, High Holborn, Middlesex, baker.—*G. Dine*, Great Suffolk-street, Southwark, Surrey, carpenter.

April 27 at 10, before Mr. Commissioner LAW.  
*George Wood*, Bermondsey-street, Southwark, Surrey, carpenter.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*D. Owen*, Swansea, Glamorganshire, fireman, No. 75,477 C.; *John Hoare*, assignee.—*John House*, Beaminster, Dorsetshire, labourer, No. 75,522 C.; *Edwin Slade*, assignee.—*H. Jones*, Halling Farm, Mangotsfield, Gloucestershire, grocer, No. 75,979 C.; *Joseph Fry and Francis Fry*, assignees.—*T. Horsey*, York, plumber, No. 76,051 C.; *John Cooke*, assignee.—*Joseph Bakewell*, Wakefield, Yorkshire, stonemason, No. 76,056 C.; *Amos Holmes*, assignee.—*Reuben Whitehead*, Bettsdale, Suffolk, farmer, No. 76,183 C.; *R. Whitehead* the younger, assignee.—*Samuel Dodgson*, Sowerby-bridge, near Halifax, Yorkshire, dyer, No. 76,256 C.; *Joseph Sugden* and *James Fielding*, assignees.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Stacey*, Clare-court, Drury-lane, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Hind*, Wharf-road, King's-cross, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*J. A. Meyer*, Halliford-street, Lower-road, Islington, Middlesex, general commission agent: in the Debtors Prison for London and Middlesex.—*C. Dodson*, Market-street, Paddington, Middlesex, coach builder: in the Debtors Prison for London and Middlesex.—*Wm. Wright*, Woolwich, Kent, Slater: in the Debtors Prison for London and Middlesex.—*Anthony Williams*, Brydges-street, Covent-garden, Middlesex, newspaper publisher: in the Debtors Prison for London and Middlesex.—*Robert Swift*, Brook-street, Ratcliffe, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Ebenezer Oliver*, Hampton-terrace, Hampstead-road, Camden-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*A. F. Callaghan*, Panton-street, Haymarket, Middlesex, messenger in the House of Commons: in the Debtors Prison for London and Middlesex.—*George Borrett Mickleburgh*, Red Lion-square, Middlesex, master mariner: in the Queen's Prison.—*R. Watt*, Wood's-place, Shepherd's-bush, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Chas. Beasley*, Oxford, licensed victualler: in the Debtors Prison for London and Middlesex.—*Randolph Routh*, Worthing, Sussex, out of business: in the Queen's Prison.—*Peter Edwin Henderson*, Cecil-street, Strand, Middlesex, engineer: in the Queen's Prison.—*Thomas Helme*, Lancaster, licensed victualler: in the Gaol of Lancaster.—*John Young*, Salford, Lancashire, grocer: in the Gaol of Lancaster.—*Jas. Hall*, Preston, Lancashire, boot maker: in the Gaol of Lancaster.—*James Bullock*, Manchester, assistant to a cowkeeper: in the Gaol of Lancaster.—*Michael Cox*, Liverpool, grocer: in the Gaol of Lancaster.—*Henry Higson*, Ramworth, near Bolton-le-Moors, Lancashire, cabinet maker: in the Gaol of Lancaster.—*Joseph Smith*, Ashton-under-Lyne, Lancashire, provision

dealer: in the Gaol of Lancaster.—*Edmund Allonby*, Hawkehead, Lancashire, farmer: in the Gaol of Lancaster.—*John Leadbeater*, Robert Town, near Leeds, Yorkshire, blacksmith: in the Gaol of York.—*David Blyth*, Chatham, Kent, captain in the Royal Marines: in the Gaol of Maidstone.—*Wm. Seath*, Strood, Kent, licensed victualler: in the Gaol of Maidstone.—*Stephen Jarrett*, Horamonden, Kent, Thatcher: in the Gaol of Maidstone.—*Wm. Danby*, Caistor, Lincolnshire, plumber: in the Gaol of Lincoln.—*Alexander Ramsden*, Waltham, near Great Grimsby, Lincolnshire, wheelwright: in the Gaol of Lincoln.—*James Ramsden*, Waltham, near Great Grimsby, Lincolnshire, wheelwright: in the Gaol of Lincoln.—*William Dray*, Nurling, Southampton, licensed victualler: in the Gaol of Winchester.—*J. Godwin*, Portsmouth, Southampton, butcher: in the Gaol of Winchester.—*Edw. Gaines*, Kingston-upon-Hull, retailer of beer: in the Gaol of Kingston-upon-Hull.—*Edward Brown*, Sloane-street, Chelsea, Middlesex, private in the 2nd Battalion Grenadier Guards: in the Gaol of Lancaster.—*David Clifford*, Liverpool, grate manufacturer: in the Gaol of Lancaster.—*James Gilchrist*, Ardwick, Manchester, librarian: in the Gaol of Lancaster.—*M. Goodwin*, Manchester, beer-seller: in the Gaol of Lancaster.—*Henry Hockenull*, Hulme, Manchester, agent: in the Gaol of Lancaster.—*Francis Waters*, Liverpool, poulterer: in the Gaol of Lancaster.—*Francis Wm. Paddon*, Plymouth, Devonshire, tile maker: in the Gaol of St. Thomas-the-Apostle.—*Abraham Daniels*, Morden-hill, Blackheath, Kent, out of business: in the Gaol of Maidstone.—*Samuel Bennett*, Ipswich, Suffolk, tailor: in the Gaol of Ipswich.—*John Pizzoliti*, Manchester, carver and gilder: in the Gaol of Lancaster.—*J. Platt*, Rochdale, Lancashire, warping heck maker: in the Gaol of Lancaster.—*Henry Birchall*, Southport, Lancashire, joiner: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

April 23 at 11, before Mr. Commissioner PHILLIPS.  
*George Salmon*, Palace-street, Westminster, Middlesex, cab driver.

April 26 at 11, before the CHIEF COMMISSIONER.  
*Samuel Hayward*, Seal, near Sevenoaks, Kent, out of business.—*John B. Murphy*, William-street, Newington-causeway, Surrey, builder.—*Wm. Dennitt*, Percy-villas, Northumberland-grove, Northumberland-park, Tottenham, Middlesex, builder.

April 27 at 10, before Mr. Commissioner LAW.  
*Richard Wm. Webb*, Surrey-street, Strand, Middlesex, attorney-at-law.

April 28 at 11, before Mr. Commissioner PHILLIPS.  
*Jonathan Horley*, James-place, Charles-street, Westbourne-terrace, Paddington, Middlesex, out of business.—*Henry Dowland*, Bemerton-terrace, Caledonian-road, King's-cross, Middlesex, broker.—*Robert Swift*, Brook-street, Ratcliffe, Middlesex, out of business.

April 27 at 11, before the CHIEF COMMISSIONER.  
*Adjourned.*

*Wm. Chapman*, Blackfriars-road, Surrey, out of business.  
*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, April 25 at 10.*

*John W. Watson*, Cambridge, licensed victualler.

*At the County Court of Wiltshire, at SALISBURY, April 20 at 1.*

*Aaron Hatch*, Botley, Hampshire, farmer.

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# The Jurist

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APRIL 23, 1853.

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LONDON, APRIL 23, 1853.

Two cases (not, we believe, yet reported) have lately been decided by Sir W. P. Wood, V. C., which appear to us to depart from what we have always supposed to be the principles on which Courts of equity proceed. The first was a case in which the learned judge refused an injunction in a case of piracy, or alleged piracy, of trade marks, on the ground of delay in making the application. The second was also a case of piracy of trade marks, in which an injunction was granted, although the plaintiff represented himself to be a patentee long after he had ceased to be so.

In the first case the plaintiff had known of the copying of his trade marks some months before he filed his bill, and the delay was undoubtedly not satisfactorily explained; the injunction, however, was substantially the whole object of the bill, so that, if the cause were brought to a hearing, nothing but a perpetual injunction was wanted, or would be decreed. The motion for an injunction was not *ex parte*, but on notice. It was not contended that the delay amounted to acquiescence, in the sense of total waiver of the right to relief, but it was simply that species of delay in which, in ordinary cases, where there is a doubtful legal title, equity refuses to interfere by injunction, till the title has been established at law. But in cases of infringement of trade marks, Courts of equity do not proceed on the doctrine of relief being only ancillary to legal title, but on the doctrine of prevention of fraud, quite independently of legal title.

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There is only one case in equity—*Millington v. Fox*, (3 My. & C. 338), and the authority of that case has been doubted on that point—in which it has been ever asserted that there is any right of property in a trade mark. In all the other cases, without exception, the principle proceeded upon has been, that equity restrains infringement of trade marks, because it will not suffer a double fraud to be committed—on the public and on the plaintiff: on the public, by inducing them to buy as the plaintiff's that which is the defendant's; and on the plaintiff, by representing to the public, to his injury, that the goods sold have the sanction of the plaintiff's reputation, when in fact they have not. Now, if that be the doctrine, what can any delay, not amounting to actual and permanent *waiver* of right to relief, have to do with the question? How is the fraud the less cognisable because the plaintiff has been somewhat dilatory in stopping it? It is not like a question of legal title, where the Court says it only aids the legal title, and if the plaintiff has delayed seeking his interlocutory relief, he must dispense with it till he has established his legal title. Here there is no legal title to establish. It may be that no action will lie at all; at any rate, whether it does or does not, it is not in aid of the legal title that the Court of equity interferes, but in the assertion of its own totally independent jurisdiction of restraining fraud; and if the fraud has been committed, and if the restraint of the fraud is the whole substance of the relief asked, to refuse an injunction, on the ground of delay, seems to be doing no more (particularly under the new practice) than postponing

to the hearing of the cause the very same question, to be disposed of upon the very same materials, that the Court has to dispose of and has before it on the motion for an injunction. We assume, of course, that in such a case as that under discussion, the delay does not amount to conclusive acquiescence; and we do not understand that the Court so held it in that case.

In the next case the piracy was beyond question; but the plaintiff had been a patentee of the article in respect of which his trade mark was pirated, and he had originally marked upon certain printed labels surrounding the articles, as he had a clear right to do, that he was patentee, and as such had an exclusive right. He, however, continued to hold out this statement to the public for many years after his patent had expired, and the Vice-Chancellor held that this was no fraud upon the public, within *Pidding v. Howe* (8 Sim. 477) and *Perry v. Truefitt*, (6 Beav. 66), and did not exclude him from relief—distinguishing, as we understand, the case from those cases, on the ground, that once having had the right to use that representation, it would be too much to say that continuing to use the printed labels, which he had originally a right to use, was a fraud. Now, considering that the principle of *Pidding v. Howe* and *Perry v. Truefitt* is, that if a plaintiff, suing for infringement of his trade mark, has himself held out to the public that he is that which he is not, he is not entitled to relief, the decision of Sir W. P. Wood, V. C., seems to us singular.

No one can know better than the patentee himself when his patent right ends; for him, therefore, to continue to tell the public that he is a patentee, when he well knows he is no longer so, is just as gross a falsehood and fraud as for him to say he is, when he never has been, a patentee. Indeed, the fraud is more likely to take effect; for if A., never heard of as a patentee, calls himself so, the public is naturally put upon inquiry; but if A. has been known for years as a reputed patentee, the public is not so apt to watch whether he has been so for precisely fourteen years or not, and his fraud in continuing the representation after the foundation for it has ceased to exist, is much more likely to be successful. But whether it is or is not likely to be more or less successful, it is not the less a gross fraud. If a man had once been a man of capital, and continued to represent himself as such in business long after he had ceased to be so, every man of business deluded into dealing with him would certainly have a right to say he was committing a fraud on those who so dealt with him. It may be said, perhaps, that the case under consideration is like that of a firm continuing the name or style of their predecessors long after those predecessors have died. But that is not so; in that case the successors have acquired the quasi right to the style; they are but holding out the truth, that the business hitherto conducted at such a place under the style of A. & Co. is still there continued. At any rate, the practice is sanctioned by usage, and the public is not, and has not a chance of being, deceived.

No one, for instance, at this day, in his senses, supposes that Mr. Coutts, of whom he heard in his childhood as being then a very old man, is still living, or that Mr. Child, of whom he never heard but as a myth, is a living man; nor does he care whether

there is or is not such a person as Coutts or Child; he banks with Coutts & Co. or Child & Co., not on the faith of any persons of the name of Coutts or Child being partners of the firms so called, but on the faith of the firm carrying on business in the Strand or at Temple-bar, having done so with high credit for an immense time; and he is not in the slightest degree deceived if no single member of those firms is called Coutts or Child. But it is far otherwise if A., a former patentee, still holds himself out as such after he has ceased to be so. That representation, in itself a false one, has substantial consequences. If believed—and it is at least not unlikely to be so—it prevents, or tends to prevent, any other trader from attempting that rivalry in trade which he has a right to attempt. Nor can there be a doubt that the false assertion is intended for that purpose; for it cannot be supposed that a patentee forgets when his patent ceases, or that, from mere negligence, he does not for years change his marks. If, from such forgetfulness or negligence, injury, or at any rate no benefit, were to accrue to him, they might be inferred. But when their consequence is obviously the very reverse, viz. to deter rivalry, it would be too great an amount of worldly innocence not to infer the intention of producing that very effect. And if there be an intention to delude the public, then we submit, respectfully, that the case falls within the doctrine of those cited, and that such false representation is a bar to the plaintiff's remedy in equity.

#### Rebuts.

*Shall we Register our Deeds?* Answered by Sir EDWARD SUGDEN. Pp. 40. 1852. [Murray, and Sweet.]

*Shall we Simplify our Titles?* A Letter to the Lord High Chancellor of England, from a Conveyancing Barrister. Pp. 20. [Wildy & Sons.]

*Outline of a Measure for the Transfer of Land through a registered Proprietor of Fee-simple Estates, showing that Land may be sold and transferred on a similar Principle to Stock in the Public Funds, &c. An Address to the Committee of the House of Lords on the Bill for the Registration of Assurances.* By EDWARD WEBSTER, Esq., Barrister-at-Law, Lincoln's Inn. 4th Pp. 24.

THE prospects of the Lord Chancellor's bill for the registration of assurances are not bright. It has suffered much from the vigorous and able opposition of Lord St. Leonards, and from the equally damaging advocacy of Lord Campbell; and notwithstanding the frequent discussion which the question has received during the last quarter of a century, it is difficult to meet with even a professional man who has any distinct perception of the difference between a registry of conveyances and a registry of titles, or even of the difference between a registry of conveyances and the mischievous registry of memorials, which is still allowed to disgrace our statute-book, and incumber titles in Yorkshire and Middlesex—not to mention Ireland. Lord St. Leonards himself asserted, in the late debate that it had been found impossible to get a general register that would work well. "It has been tried," said his Lordship, "in Yorkshire, in Middlesex, in Ireland, and, in a different shape, in Scotland. It has been tried also in almost all foreign countries, and the result had been, failure in every single instance." Yet every one who knows what the advocates of a general register of assurances (to say nothing of a register of titles

mean by that expression, knows that nothing of the kind has ever been tried in Ireland or in this country, if we except the private experiment that has been carried on in the manor of Sion for upwards of a century, and with perfect success. It is mortifyingly evident to us that our endeavours to enlighten the Profession on this subject have not been so successful as we had hoped. We can only say, that full explanations of the two schemes of registration—that known as Mr. Duval's, and that contrived by Mr. Wilson, between which the Legislature will at no distant period have to choose—may be found in former articles in this journal. (See 9 Jur., part 2, p. 207—Mr. Duval's plan; 11 Jur., part 2, p. 38—Mr. Wilson's plan, further explained in 14 Jur., part 2, p. 306; 14 Jur., part 2, pp. 274, 280, 298, 306—the plan now before Parliament, and Mr. Wilson's plan). In 16 Jur., part 2, p. 250, will be found an abstract of the Registration Bill introduced by Lord John Russell's Government in 1851, in the form in which it left the House of Lords. It is almost identical with Lord Cranworth's bill.

The late pamphlet and the more recent speeches of Lord St. Leonards against the Registration Bill are little more than a repetition of the arguments which first appeared (we believe) in 1834 in the *Treatise on Vendors and Purchasers*, and were published in a separate form under the title of "Cursory Observations on a General Register." We may fairly assume that they contain every objection of importance that can be urged against the measure. After enlarging on the expense of the establishment, an objection which we propose to consider presently, his Lordship suggests the possibility of loss, by the mistake of a clerk writing "Compton" for "Crompton," (an error which was committed under the existing acts, as we have been told over and over again, so that we may fairly assume that it is the only error which has been discovered). This is a little unfair. The error of which so much use has been made was not followed by any loss, and the chances against loss from such a cause are almost incalculable. The error, or twenty such errors, could not do harm, without the almost impossible coincidence, in the same case, of fraud successful in every other particular—fraud relating to the title to and possession of real estate—a kind of fraud which, as Lord St. Leonards himself insists in another part of his argument, is, of all others, the most rare, and most difficult to practice. His Lordship has assisted in establishing registries of judgments, Crown debts, &c., which are open to precisely the same objection, though in them, as the registries are of incumbrances merely, the chance of mischief is infinitely greater. The chances are infinite against the overlooking of a registered title deed, from a mere error in the index, so intimately connected and interwoven are the threads of the title. But, as the index of general charges is all that a purchaser has to guide him to those incumbrances, an error there may easily be fatal; yet up to this day no such error, resulting in loss, has been pointed out. It is dangerous to travel by railway, yet we are always making and using railways.

"One fatal objection to the deposit of a man's deeds, as well upon large as small purchases, is, that he could no longer indorse any short deed upon a prior one, by which, in thousands of cases, great expense is avoided." When we consider that scarcely a single deed is ever drawn in this country which might not, if the draughtsman pleased, be reduced to half its present length, this objection will hardly be allowed to be fatal. But if the power of indorsing be so important, a perfect equivalent may be obtained by using the following simple form:—"This indenture is to be read as if 'it were indorsed on an indenture, dated the — day of —, and registered in the general registry under the symbol —, and is made on the — day of —, between the within-named &c.'" We need

not repeat here what has been so often insisted on as a valuable feature in a general register—the shortening of deeds by rendering long recitals unnecessary, and the abolition of covenants for the production of deeds.

"Men want their deeds, too, to be able to raise money by a deposit of them. The first men in the city have asserted that in moments of panic the want of such a power might be fatal. The machinery substituted by the proposed bill would not adequately supply the want of the deeds." This is mere assertion. Surely the "caveat," which is "a document to be executed by the owner of an estate, preventing registration, within a limited period, from having any effect as against an instrument to be registered within such period by the party in whose favour the caveat is given," with a memorandum of charge, to be registered only in case of necessity, and the power of investigating the title on the register in the course of a few hours, afford greater facilities for raising money on an emergency than at present exist; and by sect. 52 the issuing of a certificate of registration to the actual registered owner for the time being, as a symbol of ownership, is provided expressly for the purposes of deposit securities. Then we have the old and favourite picture of the Englishman, with his sheepskins in his own box, in his own castle, though we believe they are oftener found in the hands of mortgagees. But the indulgence even of this peculiar taste is provided for by the bill, which gives permission to deposit a duplicate, to be exempt from stamp duty; and the assertion, that "constant recourse must be had to the register in order to inspect the original deeds, with a view to stamps, erasures, forgeries," &c., is mere exaggeration. In practice, duplicates or office copies will almost invariably be relied on.

We pass over the suggestion of danger from civil war and invasion, as a mere rhetorical ornament; but we must complain of what follows on the mischievousness of disclosure of titles. It is suggested, though not distinctly asserted, that the proposed registry would expose titles more than they are now disclosed, or rather ought to be disclosed, as between vendor and purchaser, where the vendor is honest. But it is part of the plan that no one shall search the register against a particular estate without the consent of the registered owner.

"It is said that one great object is to prevent insecurity of title. But insecurity of title proceeds from doubtful instruments, disputed heirships, and the like; and none of these difficulties will be cured by a general register, nor will abstracts be shortened, for a title will have just the same root, and be deduced just in the same manner, as at present. . . . I do not remember a single instance of any suppressed incumbrance making its appearance in any of the numerous titles accepted under my advice." The objection to the existing system is, not that it is incapable of affording tolerable security to the purchaser who will go to the expense of employing a Sugden to investigate the title for him, but that it affords such security at far too great expense. Abstracts will be greatly shortened, because they will contain nothing that is not registered against the estate. Many deeds, which are now necessarily abstracted, are of a nature not to require registration; and abstracts of deeds are frequently called for, and furnished, merely to shew that such deeds do not affect the property in question. Under the existing system, a purchaser is not safe if he does not inspect every instrument of which he has notice; and he has in almost every case either to incur a considerable expense for the inspection of deeds in the hands of a third person, or to waive the inspection at his own risk.

We may waive the discussion of the question, whether a purchaser should be bound by express notice of a non-registered deed, it being admitted that he is to be accountable for actual fraud. It seems to be generally understood that it is of little practical importance how



the question is decided, so that equity is restrained from running wild in the region of constructive notice. No one contends for more than this—that express notice of an unregistered document shall not bind a purchaser who is innocent of fraud; and the only argument of those who would, in terms, allow effect to express notice, is, that no one can purchase with express notice of an adverse title, which his purchase would defeat without being guilty of fraud. Be it so.

We now come to the weakest point in the present bill—the omission of any provision for maps. The map clauses were struck out of the bill of 1851 in committee; and Lord St. Leonards, while he considers the use of maps to be impracticable, does not fail to observe on the imperfection of the plan without them. The omission of the maps is unquestionably a mistake. We need not here repeat what we have said in answer to the objections which have been made to the use of maps for the accurate description of parcels. (14 Jur., part 2, p. 299). The objection is condemned by the practice of the objectors themselves. Maps are now much more commonly relied on than words for the description of parcels. But even that low degree of accuracy in a plan which in almost every case is sufficient for the perfect identification of the parcels, is not essential to the maps which are required for the purposes of the proposed registry. Maps, in the plan of the present Registration Commission, are proposed as a substitute for Mr. Duval's Index to the Roots of Titles, (the district index of names of grantors in the Lord Chancellor's bill); and if there are a map of each district in the registration office, and a plan in the registered conveyance, each on such a scale, and sufficiently accurate, to lead an inquirer to the place and distinguishing mark on the district map of the property in question, they will be sufficient for all the purposes of search. Accuracy of delineation and identification of boundaries are wholly immaterial; all that is wanted is such a delineation of the property in the conveyance of it, and such a map in the office of the district in which it lies, as to prevent estate L. on the district map from being mistaken for estate M., though the chances of any mischief, or even inconvenience, flowing from even such an error, are infinitely small. Now, it is only a fraction of the country which is not already mapped for the purposes of the tithe commutation, and copies of the maps are sold at an almost nominal price; and the suggestion by Messrs. Humphry and Broderip, that the expense of commencing the registry with a map would probably not be so little as two millions, is a ridiculous exaggeration. But even without a map the plan will be safe and efficient. What is wanted is a means of finding the number or symbol in the general index which is appropriated to a particular estate. In almost every case the person searching will be furnished with this number, for it will be known to his vendor, and it will be marked on the duplicate or copy of the registered document in the vendor's possession. But for the purposes of search, the country will be divided into small districts—as small, if necessary, as small parishes—and an index of grantors' names will be made for each district. Now, the trouble of searching in such a limited index will be slight, and the chance of any error being made in the entry or the search, *with any detrimental result*, will be absolutely inappreciable. What is Lord St. Leonards own experience? "He had seen thousands of titles of estates in the register counties which had not been registered, and he had never seen one of them in which there had been any suppression of titles." We have already pointed out that a registry is wanted, not so much to make titles more secure than they are, as to make the investigation of titles less troublesome and less expensive.

(To be continued).

## London Gazettes.

FRIDAY, APRIL 15.

### BANKRUPTS.

JOHN WHITE, Charles-st., Tottenham-court-road, Middlesex, draper, dealer and chapman, April 22 at 11, and May 26 at 1, Court of Bankruptcy, London: Off. As. Bell; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition filed April 9.

EDWARD BLAKELY, Conduit-st., Regent-st., Westminster, Middlesex, and Norwich, linendraper and silk mercer, dealer and chapman, April 22 at half-past 1, and May 30 at 12, Court of Bankruptcy, London: Off. As. Whitmore; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition filed April 9.

ROBERT CHINERY, Withersfield, Suffolk, brewer, dealer in malt and hops, dealer and chapman, April 22 at half-past 1, and May 24 at 1, Court of Bankruptcy, London: Off. As. Edwards; Sols. J. F. S. Gooday, Sudbury, Suffolk; E. W. Gooday, 1, Brunswick-sq., London.—Petition filed April 11.

FREDERICK ROSENBERG, Albany, and Free-school-street, Hoxleydown, Middlesex, cask and barrel manufacturer, distiller, dealer and chapman, April 26 at 12, and May 28 at 1, Court of Bankruptcy, London: Off. As. Pennell; Sols. Cox & Taylor, Pinners' Hall, Old Broad-st., London.—Petition dated March 31.

HENEAGE NORTON GINDER, late of St. Martin's-court, Ludgate-hill, London, licensed victualler, but now of Fountain-gardens, Lambeth-walk, Surrey, out of business, April 22 at 11, and May 27 at 12, Court of Bankruptcy, London: Off. As. Stansfeld; Sol. Henderson, 28, Mansell-st., Goodman's-a-fields.—Petition filed April 12.

WILLIAM MARSH, Dudley, Worcestershire, beer seller, dealer and chapman, April 30 at half-past 10, and May 23 at 1, District Court of Bankruptcy, Birmingham: Off. As. Christie; Sols. Bolton, Dudley; Motteram & Knight, Birmingham.—Petition dated March 31.

EDWARD GOLDSMITH, Nottingham, tailor and outfitter, May 6 at 10, and May 27 at 1, District Court of Bankruptcy, Nottingham: Off. As. Harris; Sol. Browne, Nottingham.—Petition dated April 12.

RICHARD STEPHENS, Truro, Cornwall, draper, dealer and chapman, April 26 and May 24 at 11, District Court of Bankruptcy, Exeter: Off. As. Hirtzel; Sols. Gear & Co., and Stogdon, Exeter.—Petition filed April 6.

WILLIAM ARTINGSTALL, Pendleton, Lancashire, joiner and builder, dealer and chapman, April 27 and May 25 at 12, District Court of Bankruptcy, Manchester: Off. As. Fraser; Sols. Sale & Co., Manchester.—Petition dated April 13.

DANIEL DUNGLINSON, Newcastle-upon-Tyne, licensed victualler, innkeeper, dealer and chapman, April 26 at 11, and May 25 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. As. Wakley; Sols. Welford, Newcastle-upon-Tyne; Bell & Co., 9, Bow-churchyard, Cheapside, London.—Petition filed April 8.

### MEETINGS.

William John Bowden, Ware, Hertfordshire, apothecary, May 12 at 2, Court of Bankruptcy, London, last ex.—Thomas Barnshaw, Brunswick-st., Poplar, Middlesex, licensed retailer of beer, May 9 at 12, Court of Bankruptcy, London, last ex.—John Lamason Mortimer, St. Thomas the Apostle, near Exeter, Devonshire, linendraper, April 28 at 12, Court of Bankruptcy, London, aud. ac.—Samuel Metcalfe Latham, Dover, Kent, banker and ship agent, April 28 at 1, Court of Bankruptcy, London, aud. ac.; May 6 at half-past 1, div.—Charles Wheeler, Saint Martin's-lane, Middlesex, woollendraper, April 28 at 12, Court of Bankruptcy, London, aud. ac.; May 6 at half-past 1, div.—Thomas Edwin Southey, Fleet-st., London, advertising agent, April 28 at 1, Court of Bankruptcy, London, aud. ac.—John Franckeiss, Portsea and Landport, Southampton, woollendraper, April 28 at half-past 12, Court of Bankruptcy, London, aud. ac.; May 6 at half-past 1, div.—Stephen James Dean, Chelmsford, Essex, leather seller, May 9 at half-past 12, Court of Bankruptcy, London, aud. ac.—Wm. Shaw, Lincoln, bookseller, May 9 at 1, Court of Bankruptcy, London, aud. ac.—Hiram Broadbent, Dakinfield, Cheshire, grocer, April 28 at



12, District Court of Bankruptcy, Manchester, aud. ac.—*J. Hawarden, R. Myeracough, and J. Jackson*, Little Bolton and Manchester, Lancashire, manufacturers of cotton cloth by power, April 28 at 12, District Court of Bankruptcy, Manchester, aud. ac. sep. ests. of *Jas. Hawarden and Robert Myeracough*.—*John Langdale*, Liverpool, laceman, April 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Abraham Davies*, Aston-park, Wem, Shropshire, coal merchant, April 25 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Benjamin Thompson*, Derby, woollen-draper, April 29 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Wm. Morrill*, Leeds, Yorkshire, coach proprietor, April 28 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Robert Welsh*, Huddersfield, Yorkshire, woollen cloth merchant, April 28 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Edward Bouring*, Lawrence-lane, Cheapside, London, silk shag merchant, May 10 at half-past 12, Court of Bankruptcy, London, div.—*S. Bradbury*, Holborn-hill, Middlesex, cheesemonger, May 9 at 12, Court of Bankruptcy, London, div.—*Alexander Bain*, Old Bond-st., Middlesex, electric clockmaker, May 6 at 1, Court of Bankruptcy, London, div.—*Jos. Baker*, Old Brentford, Middlesex, coal merchant, May 7 at 1, Court of Bankruptcy, London, div.—*David F. Kennett*, Oxford-street, St. Marylebone, Middlesex, licensed victualler, May 9 at 2, Court of Bankruptcy, London, fin. div.—*Edward Mumford*, Great Maplestead, Essex, miller, May 9 at 12, Court of Bankruptcy, London, div.—*Wm. John Powell and Charles Hind*, Carnaby-st., Golden-square, Middlesex, linendrapers, May 7 at half-past 1, Court of Bankruptcy, London, div.—*George Fielder*, Dobcross, Saddleworth, Yorkshire, woolstapler, May 6 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Stephen James Dean*, Chelmsford, Essex, leather seller, May 9 at half-past 12, Court of Bankruptcy, London.—*S. Bradbury*, High Holborn, Middlesex, cheesemonger, May 9 at half-past 12, Court of Bankruptcy, London.—*Geo. Danby*, Wigmore-street, Cavendish-square, Middlesex, jeweller, May 10 at 2, Court of Bankruptcy, London.—*Chas. Davies*, Worcester, innkeeper, May 11 at 12, District Court of Bankruptcy, Birmingham.—*Richard White*, Birmingham, cut nail manufacturer, May 9 at 1, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Stephen Evans*, Troedyrhiw, near Morthyr Tydfil, Glamorganshire, grocer.—*R. C. R. Coey*, Colombo, Ceylon, East India, merchant.—*Thomas Barton Lawrence*, Parliament-st., Westminster, Middlesex, and York-place, Lambeth, Surrey, zinc dealer.—*Augustus Pickett*, Brighton, Sussex, brickmaker.—*John Wm. Munch*, Beal's-wharf, Tooley-street, Surrey, salesman.—*Joseph Tall and John Minge*, Crawford-street, Bryanstone-sq., and Wellstead-yard, Seymour-place, Bryanstone-square, and Titchbourne-street, Edgeware-road, Middlesex, mechanical tool manufacturers.—*Richard Whittaker*, Landport, Hampshire, outfitter.—*N. T. Isherwood*, Ludgate-hill, London, house decorator.—*Edward Matthew Hadaway*, Newcastle-upon-Tyne, grocer.—*John Langdale*, Liverpool, laceman.—*Edward Williams*, Liverpool, block manufacturer.—*John Fletcher*, Bradford, Yorkshire, draper.

## SCOTCH SEQUESTRATIONS.

*Wm. Dick*, Edinburgh, provision merchant.—*A. Meldrum*, Gruntown, clothier.—*David Leach*, Glasgow, land agent.—*Robert Low Foreman*, St. Andrews, coal dealer.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*William Robert Pritchard*, Bury, Lancashire, bookkeeper, May 4 at 11, County Court of Lancashire, at Bury.—*James Frost*, Holbeck Woodhouse, Cuckney, Nottinghamshire, licensed victualler, May 7 at 11, County Court of Nottinghamshire, at Worksop.—*John Gartside*, Nantwich, Cheshire, out of business, April 28 at 11, County Court of Cheshire, at Nantwich.—*H. F. McDonald*, Liverpool, hatter, April 25 at 10, County Court of Lancashire, at Liverpool.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

April 29 at 10, before Mr. Commissioner LAW.

*William Minnett*, Queen's-row, Queen's-road, Dalston, Middlesex, fruiterer.

April 30 at 11, before Mr. Commissioner PHILLIPS.

*Edwin Gardner*, Wellington-street, Newington-causeway, Surrey, licensed retailer of beer.—*Francis Thomas*, Gloucester-place, Old Kent-road, Surrey, dentist.—*John Gardner*, Charlotte-place, Upper Kennington-lane, Surrey, comedian.

May 2 at 10, before Mr. Commissioner LAW.

*Wm. Alexander Guthrie*, Clifford's-inn-passage, London, printer.—*John Prew*, Crawford-street, Bryanstone-square, Middlesex, assistant to a hosier.

May 2 at 11, before Mr. Commissioner PHILLIPS.

*George Frederick Prescott*, Russell-street, Brixton-road, Surrey, out of business.—*J. Barber*, Farnham-street, Limehouse-fields, Middlesex, fishmonger.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

April 29 at 11, before the CHIEF COMMISSIONER.

*Henry Alonso Hart*, Lamb's Conduit-street, Middlesex, linendraper.—*Francis Charles Annesley*, Holles-street, Cavendish-square, Middlesex, captain in the 60th Regiment of Rifles.—*Chas. Edward Fox*, Gerard-street, Soho, Middlesex, out of business.

April 29 at 10, before Mr. Commissioner LAW.

*John Thomas Swain*, Museum-street, Oxford-street, Middlesex, out of business.—*C. Sharp*, Stafford-place, Wyndham-road, Camberwell, Surrey, bricklayer.—*Jas. D. Ingham*, Lambeth-walk, Lambeth, Surrey, ironmonger.—*Charles Bonwick*, Carshalton, Surrey, coal dealer.

April 30 at 11, before Mr. Commissioner PHILLIPS.

*Richard Bull*, Paul-street, Finsbury, Middlesex, looking-glass frame maker.—*James Stacey*, Clare-court, Drury-lane, Middlesex, earthenware dealer.—*John Houghton*, Waterloo-road, Surrey, and Long-acre, Middlesex, dairyman.

May 2 at 10, before Mr. Commissioner LAW.

*Robert Watt*, Wood's-place, Shepherd's-bush, Middlesex, baker.

## MEETING.

*Joseph Briggs*, Stanley-cum-Wrenthorpe, near Wakefield, Yorkshire, farmer, May 3 at 12, Westmorland & Taylor's, Wakefield, sp. aff.

## TUESDAY, APRIL 19.

## BANKRUPTS.

**GEORGE HENNET**, Duke-street, Westminster, Middlesex; Bristol and Bridgwater, Somersetshire; and Plymouth and Teignmouth, Devonshire, railway contractor, shipowner, engineer, timber merchant, lime burner, and coal merchant, dealer and chapman, April 30 at 11, and May 21 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. M'Leod & Stenning, 13, London-street, Fenchurch-street.—Petition filed March 19.

**WILLIAM FRIDAY**, Rochester, Kent, miller, dealer and chapman, April 28 at half-past 11, and May 30 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hills, Chatham, Kent; Stevens & Satchell, Queen-street, Cheapside.—Petition dated April 19.

**ROBERT WILLMOTT**, Peterborough, Northamptonshire, tailor, April 27 at 2, and May 27 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Starmy & Co., 14 A, Philpot-lane, City.—Petition filed April 12.

**JAMES WILLIAM HAVERS**, Judd-street, Brunswick-square, Middlesex, draper, dealer and chapman, April 23 and May 4 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Reed, 73, Coleman-street, City.—Petition dated April 15.

**FRANCIS LANGAN**, Chapel-place, Oxford-street, Middlesex, wine merchant, April 23 at half-past 12, and May 28 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Poddell, 142, Cheapside, City.—Petition dated April 13.

**GEORGE TRATT**, Bridgwater, Somersetshire, ironmonger, April 27 and May 24 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Lovibond & Caralake, Bridgwater; Stogdon, Exeter.—Petition filed April 12.

**THOMAS WILLIAM JOHNSON**, (commonly called Thomas Johnson), Stockport, Cheshire, publican, dealer and chapman, April 29 and May 26 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Heath, Manchester; Jacques & Co., 8, Ely-place, Holborn, London.—Petition filed April 14.

#### MISTAKES.

*Fred. Wm. Thomas*, Lendenhall-street, London, auctioneer, May 4 at 12, Court of Bankruptcy, London, last ex.—*John Taylor*, Newcastle-upon-Tyne, common brewer, May 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*A. Cohen*, Houndsditch, London, wholesale clothier, May 4 at 12, Court of Bankruptcy, London, and ac.—*Alexander Bain*, Old Bond-street, Middlesex, electric clock maker, April 29 at 11, Court of Bankruptcy, London, and ac.—*Wm. J. Powell* and *Charles Hind*, Carnaby-street, Golden-square, Middlesex, linendrapers, April 29 at 11, Court of Bankruptcy, London, and ac.—*Richard Bowler*, Langley-place, Commercial-road, Middlesex, and Botolph-lane, London, confectioner, May 3 at 11, Court of Bankruptcy, London, and ac.—*George Fielder*, Dobcross, Saddleworth, Yorkshire, woolstapler, April 29 at 12, District Court of Bankruptcy, Manchester, and ac.—*George Capper* and *Ralph Capper*, Nantwich, Cheshire, cheese-makers, May 3 at 12, District Court of Bankruptcy, Liverpool, and ac. sep. est. of *George Capper*.—*James Bertram*, Sheffield, Yorkshire, ironmonger, April 30 at 10, District Court of Bankruptcy, Sheffield, and ac.—*J. Wilton*, Sheffield, Yorkshire, linendraper, April 30 at 10, District Court of Bankruptcy, Sheffield, and ac.—*Wm. Pashley* and *Francis Pashley*, Sheffield, Yorkshire, table-knife manufacturers, April 30 at 10, District Court of Bankruptcy, Sheffield, and ac.—*John Pearson*, Costa Mill, Middleton, Yorkshire, miller, May 23 at half-past 11, District Court of Bankruptcy, Leeds, and ac.; at 12, second and fin. div.—*Andrew Burn*, Sackville-street, Piccadilly, and Caroline-place, Pancras-vale, Middlesex, tailor, May 12 at half-past 11, Court of Bankruptcy, London, div.—*Geo. Cowthorpe*, Paradise-row, Rotherhithe, Surrey, coal merchant, May 12 at half-past 11, Court of Bankruptcy, London, div.—*George Hart* and *Thomas Hart*, Union-street, Southwark, Surrey, trimming manufacturers, May 12 at 12, Court of Bankruptcy, London, div.—*Duncan James Mackellar* and *Charles Hampson*, Gresham-street, London, shawl and fancy warehousemen, May 10 at 2, Court of Bankruptcy, London, div.—*Kenneth Cockerell Mackenzie*, Finch-lane, London, bill broker, May 12 at half-past 11, Court of Bankruptcy, London, div.—*W. Byrom*, *H. Taylor*, and *T. Byrom*, Manchester, Liverpool, and Wigan, Lancashire, coal proprietors, May 12 at 12, District Court of Bankruptcy, Manchester, div. sep. ests. of *W. Byrom* and *H. Taylor*.—*Robert Carr*, Holyhead, Anglesea, licensed victualler, May 11 at 11, District Court of Bankruptcy, Liverpool, div.—*Thomas Bell* and *Ambrose Champ*, Liverpool, provision dealers, May 12 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *Ambrose Champ*.—*Hugh Mackay*, Liverpool, and *Archibald Fraser Mackay*, Glasgow, merchants, May 12 at 11, District Court of Bankruptcy, Liverpool, div.—*Hugh Pantton*, *Thos. Wm. Pantton*, *George Forster*, and *John Wilberforce Merley*, Sunderland, Durham, iron manufacturers, May 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. of *Hugh Pantton*.—*Joseph Baker*, Old Brentford, Middlesex, coal merchant, April 29 at 11, Court of Bankruptcy, London, and ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Taylor Brown*, Gloucester-terrace, New-road, Whitechapel-road, Middlesex, draper, May 11 at 12, Court of Bankruptcy, London.—*John Robertson*, Woolwich, Kent, publican, May 11 at 1, Court of Bankruptcy, London.—*Wm. Booth*, Morpeth-terrace, Hackney-road, Middlesex, iron merchant, May 11 at 2, Court of Bankruptcy, London.—*Charles*

*Keys*, Liverpool, looking-glass manufacturer, May 12 at 12, District Court of Bankruptcy, Liverpool.—*William Jones*, Waterside North, Lincolnshire, chemist, May 11 at 12, District Court of Bankruptcy, Kingston-upon-Hull.—*Thomas Hodgson*, Kingston-upon-Hull, shipowner, May 11 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*Joshua Metcalf*, Fenchurch-st., London, merchant.—*W. Houston*, St. James's-terrace, Harrow-road, Paddington, Middlesex, builder.—*Abraham Skelton*, Mount Tabor, Orkney, Halifax, Yorkshire, stone dealer.

#### PETITIONS ANNULLED.

*Charles John Ashton*, Fenchurch-st., London, merchant.—*John Reid*, Huddersfield, Yorkshire, merchant.—*Geo. Board*, Bristol, grocer.

#### SCOTCH SEQUESTRATIONS.

*George Ainslie*, Kincardine, merchant.—*Chas. M'Carthy*, Glasgow, surgeon.—*Dennis Hayne*, Edinburgh, shoemaker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Reuben Betts*, Birmingham, licensed victualler, April 30 at 10, County Court of Warwickshire, at Birmingham.—*Joe Mellow*, Birmingham, tailor, April 30 at 10, County Court of Warwickshire, at Birmingham.—*Chas. Michael Greaves*, Birmingham, spectacle maker, May 14 at 10, County Court of Warwickshire, at Birmingham.—*John Greaves*, Birmingham, spectacle maker, May 14 at 10, County Court of Warwickshire, at Birmingham.—*Geo. Northwood*, Bradford, Yorkshire, attorney-at-law, May 13 at 11, County Court of Yorkshire, at Bradford.—*Jas. Jones*, Great Malvern, Worcestershire, tailor, May 9 at 10, County Court of Worcestershire, at Upton-upon-Severn.—*Wm. Watson*, Bury St. Edmund's, Suffolk, baker, April 26 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Chas. Thompson*, Sheffield, Yorkshire, hardwareman, May 4 at 12, County Court of Yorkshire, at Sheffield.—*Wm. White*, Cardiff, Glamorganshire, butcher, May 14 at 10, County Court of Glamorganshire, at Cardiff.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 4 at 11, before the CHIEF COMMISSIONER.*

*Isaac Baynton*, Crab Tree Shot-road, North-fields, Peckham, Surrey, not in any trade.—*Wm. Goshawk*, Charlotte-street, Caledonian-road, Islington, Middlesex, clerk in the goods department of the Great Northern Railway.—*John Hugheslyn Wilson*, Southampton-row, New-road, Middlesex, surveyor.—*E. Turlongo*, Great Suffolk-street, Southwark, Surrey, pork butcher.

*May 4 at 10, before Mr. Commissioner LAW.*

*George Brown*, Canterbury-villas, Maida-vale, Edgeware-road, Middlesex, gardener.

*April 25 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Ashton Jones*, Commercial-place, Old Kent-road, Surrey, cheesemonger.

*Saturday, April 16.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Joseph Catherall*, Holbeck, Leeds, Yorkshire, bricklayer, No. 76,218 C.; *Johnson Greaves*, assignee.—*William Gray*, Chorlton-upon-Medlock, Manchester, brewer, No. 76,998 C.; *John Williams*, assignee.—*J. Houldsworth*, Hulme, Manchester, engraver, No. 76,284 C.; *Thomas Johnston*, assignee.—*William Berry*, William-street, Henry-street, York-square, Commercial-road, Middlesex, out of business, No. 63,549 T.; *James Ellwood*, assignee.—*George Isaac Cook*, New Crane, Shadwell, Middlesex, grocer, No. 63,562 T.; *Alfred Hudson Leather*, assignee.

Saturday, April 16.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

Thomas Hedgecock, Hales-place, South Lambeth, Surrey, master in the Royal Navy on half-pay: in the Gaol of Surrey.—John Scott, Upper East Smithfield, Middlesex, shipowner: in the Debtors Prison for London and Middlesex.—Andrew Davidson Armour, Metropolitan-buildings, St. Pancras-road, Middlesex, printer: in the Debtors Prison for London and Middlesex.—James Thomson, Upper Berkeley-street, Portman-square, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—Stephen Gibbs, Crutched-friars, City, livery-stable keeper: in the Debtors Prison for London and Middlesex.—Alexander Macdonald, Leadenhall-street, City, insurance broker: in the Debtors Prison for London and Middlesex.—Edward Adams the elder, Portsmouth-street, Lincoln's-inn-fields, Middlesex, out of business: in the Queen's Prison.—Thomas C. Lancyfield, Castle-street, Walworth, Surrey, out of business: in the Queen's Prison.—Vernon Dolphin, Upper St. Martin's-lane, Middlesex, not in any profession: in the Queen's Prison.—Charles Snabbing, Sidney-street, Robert-street, Mile-end, Middlesex, twine manufacturer: in the Debtors Prison for London and Middlesex.—Charles Mason, Acton, Middlesex, livery-stable keeper: in the Queen's Prison.—Thos. Clements the younger, Chiswell-street, Middlesex, cattle dealer: in the Debtors Prison for London and Middlesex.—Edward Francis Wood, Wright's-buildings, Spa-road, Bermondsey, Surrey, fireman to a dust contractor: in the Queen's Prison.—John German, Bishops-Nympton, Devonshire, wheelwright: in the Debtors Prison for London and Middlesex.—Abraham Goldstein, Rochester, Kent, jeweller: in the Debtors Prison for London and Middlesex.—George Augustus Craven, Clephane-road, Ball's-pond, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Charles Ubbell, Great Portland-street, Oxford-street, Middlesex, out of business: in the Queen's Prison.—Barnet Harris, Chatham, Kent, clothier: in the Debtors Prison for London and Middlesex.—James Philip Vale, George-street, Grosvenor-square, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—John Dale Harwood, Greenheys, Manchester, assistant to an ironmonger: in the Gaol of Lancaster.—Hannah Waithe, Birmingham, retail brewer: in the Gaol of Warwick.—James Birbeck, Salford, Lancashire, cab proprietor: in the Gaol of Lancaster.—Henry Jackman, Digbeth, Birmingham, licensed victualler's assistant: in the Gaol of Warwick.—Wm. Walker, Yoxall, Staffordshire, surgeon: in the Gaol of Stafford.—Rowland Hill, Birmingham, brassfounder: in the Gaol of Coventry.—Henry Pimblett, Hindley, near Wigan, Lancashire, farmer: in the Gaol of Lancaster.—Richard Smith the younger, Panxworth, Norfolk, horse dealer: in the Gaol of Norwich.—Thomas Appleby, Nettlebed, Oxfordshire, shoemaker: in the Gaol of Oxford.—Richard Court, Manchester, machine maker: in the Gaol of Lancaster.—Richard Allen, Ratcliffe Hall, near Bury, Lancashire, dyer: in the Gaol of Lancaster.—James A. Anderson, Brighton, Sussex, tobacconist: in the Gaol of Lewes.—George Wm. Revell, Alnwick, Northumberland, innkeeper: in the Gaol of Morpeth.—Thos. Green the younger, Reading, Berkshire, out of business: in the Gaol of Reading.—John Burgess, Shude-hill, Manchester, licensed victualler: in the Gaol of Lancaster.—Anne Davies, Glas-yr-afon, Tremearchion, Flintshire, farmer: in the Gaol of Flint.—Thomas Court, Manchester, machine maker: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

May 3 at 11, before the CHIEF COMMISSIONER.

Benazer Oliver, Hampton-terrace, Hampstead-road, Camden-town, Middlesex, out of business.

May 4 at 10, before Mr. Commissioner LAW.

Anthony Williams, Brydgos-st., Covent-garden, Middlesex, publisher of the Catholic Standard newspaper.

May 5 at 11, before Mr. Commissioner PHILLIPS.

Charles Beesley, Summer Town, St. Giles's, Oxford, licensed victualler.—George B. Mickleburgh, Red Lion-sq., Middlesex, master mariner.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Essex, at CHELMSFORD, May 5.

Thomas Dennis, Rayleigh, foreman to a common brewer.—James Ward, Colchester, innkeeper.

#### INSOLVENT DEBTORS' DIVIDENDS.

R. Menzie, Lidford, Devonshire, barrack master: 3s. 5d. in the pound.—Richard Wade, Chatham, Kent, linendraper: 2s. 4½d. in the pound.—James Haliburton the younger, Commercial-road, Lambeth, Surrey, clerk in the Admiralty, Somerset House: 1s. 9½d. (making 5s. 2½d.) in the pound.—John Pritchard Smith, Pontypool, Monmouthshire, skinner: 6s. 10d. in the pound.—Richard Morris, Gloucester, shoemaker: 1s. 1½d. in the pound.—John Albionson the younger, Bolton-le-Moors, Lancashire, ironfounder: 4½d. in the pound.—George E. Cockedge, Brimsbury, near Rochester, Kent, lieutenant in her Majesty's Royal Navy on half-pay: 4s. 8d. (making 10s. 11d.) in the pound.—Henry Wm. Neville the younger, Bloomfield-place, Lower-road, Deptford, Kent, mate of a steam-ship: 1s. 8½d. in the pound.—Robert Douglas, Clay-gate, near Esher, Surrey, colonel in the Army: 2s. (making 2s. 8½d.) in the pound.—Peter Smith, Hoo, near Rochester, Kent, lieutenant on half-pay: 3s. 9d. (making 5s. 9d.) in the pound.—Littleton T. Passie, Crimscott-street, Bermondsey, Surrey, city fruit meter: 2d. (making 1s. 4½d.) in the pound.—William Dickson, Tiltotown-place, Waterloo-bridge-road, Surrey, clerk in the Admiralty-office, Somerset House: 1s. 2d. (making 2s. 11½d.) in the pound.—Thomas Henry Carstairs, Lombard-street, London, professor of writing: 1s. 5½d. in the pound.—John Daniell, Harrison-street, Gray's-inn-lane, Middlesex, auctioneer: 3s. 6d. in the pound.—Augustus Grafton, Sheffield-terrace, Kensington, Middlesex, secretary to a diorama: 7s. 9d. in the pound.—William D. Cooper, King's-row, Walworth, Surrey, time-keeper on the London, Brighton, and Dover Railway: 3s. 9d. in the pound.—Charles Dore, Austinfriars, London, clerk to an insurance broker: 3s. 2d. in the pound.—James Turner Powell, Middleton-sq., Clerkenwell, Middlesex, clerk in the Paymaster-General's office: 1s. 1d. in the pound.—Henry Martin, Havant, Hampshire, licensed victualler: 10s. 10½d. in the pound.—Edward Evans, Great Turner-st., Commercial-road East, Middlesex, painter: 7s. 3d. (making 11s. 7d.) in the pound.—Wm. Inwood, Abingdon, Berkshire, grocer: 6s. 6d. in the pound.—Wm. Gris, Brighton, Sussex, schoolmaster: 7½d. in the pound.—Walter Bullen, Garden-street, Stepney, Middlesex, locker in her Majesty's Customs: 5s. 8d. (making 13s. 8d.) in the pound.—Wm. Boverett, Salisbury-street, Portman-market, Middlesex, superannuated clerk of Chelsea Hospital: 3s. 3d. (making 14s.) in the pound.

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**A PRACTICAL TREATISE on the LAW of CONTRACTS NOT UNDER SEAL**, and upon the usual Defences to Actions thereon. By **JOSEPH CHITTY, Jun., Esq.** The Fifth Edition. By **JOHN A. RUSSELL, LL.B.**, of Gray's Inn, Barrister at Law, and Professor of English Law in University College, London.  
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# The Jurist

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APRIL 30, 1853.

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LONDON, APRIL 30, 1853.

UPON a former occasion we ventured to express our disapprobation of the decision of the Court of Common Pleas in *Walker v. Giles*, (6 C. B. 662\*), and we have not yet heard anything calculated to change our opinion in this respect. That case, it will be remembered, turned upon the effect of a mortgage deed, containing the usual clause, making the mortgagor in possession tenant to the mortgagee, at an annual rent, with power in the mortgagee to distrain. The indenture was between two shareholders and two trustees of a building society, whereby, after reciting that the shareholders were entitled to a certain sum out of the funds in respect of their shares, and that for the security of all the payments, amounting to 840*l.*, to become due in respect of the said shares, they had agreed to execute the assurance thereby made, they conveyed certain premises to the trustees, upon trust to permit the shareholders to retain possession, and to receive the rents, until default in payment of their contributions, with a power to the trustees to appoint a person to receive the rents in case of default, and a power of sale in the like event, &c. The shareholders agreed to become tenants to the trustees of the premises "henceforth" during their will,

at the rent of 200*l.*, payable on the usual quarter-days. The Court held that this deed did not operate as a demise, so as to sustain an avowry alleging a tenancy under the trustees, as the general scope of the deed was inconsistent with such a construction. The learned judges said that otherwise the grantors must be deemed to have contracted to pay the contributions, and also the rent of 200*l.* a year, but that such a construction was manifestly contrary to the obvious intention of the parties. "The only object of the deed," said Wilde, C. J.; delivering the judgment of the Court, "was to give a security for the payment of the contributions, and that part of the deed which is contended to operate as a demise was but a mode by which that object was intended to be accomplished; but it is not a mode calculated to effect the purpose intended, but the contrary." The learned reporters add, in a note to page 701, "Similar clauses are, however, frequently used by conveyancers, without any doubt as to their efficacy. In Jarman's Conveyancing, vol. 5, p. 528, it is said—'It is often convenient in mortgages to give a power of distress for the recovery of the interest, particularly where the property is in the occupation of the mortgagor himself, and not of a tenant paying rent. The object is sometimes effected by making a demise at will to the mortgagor, reserving a rent equal to the amount of the interest. (See a form to this effect, Cov.

\* 13 Jur., part 2, p. 463.

Prec. Mort. 94). But a power of distress (of the validity of which no doubt can be entertained) is to be preferred, inasmuch as a demise at will is liable to be determined by the death and at the will of either party, and, it is conceived, subjects the deed to a lease stamp.\* (See also Jarm. Byth. by Sweet, vol. 5, pp. 514, 515; vol. 4, p. 162; and Smith's L. C. 296 d).

The objection which we formerly urged to *Walker v. Giles* was, that the Court appeared to us to have confounded the legal with the equitable operation of the security; and we submitted that the mortgagors under the deed, so long as they duly paid the subscriptions, would, under the trust for quiet enjoyment until default, be entitled to receive the rents and profits legally recoverable by the trustees, including the 200*l.*, and thus would pay with one hand, and receive with another; and that, after default, the trustees would, by the express terms of the deed, be entitled to recover both the subscriptions and rent at law, yet liable to account in equity. A mortgagee may have several legal remedies for recovering one debt; and the only restraint upon his ultimately recovering too much is under the 7 Geo. 2, c. 20, or in the Court of Chancery.

Entertaining these views, we are glad to find that the Court of Exchequer have refused, at all events, to extend the doctrine of *Walker v. Giles*, and have expressed their determination to regard with strictness any further attempt to limit the generally-supposed effect of ordinary securities\*. The case before the Court was certainly distinguishable in its facts from the one in the Court of Common Pleas; but the Court of Exchequer seemed to yield but a doubtful assent to the former authority; and Parke, B., said, that to apply it to the case then before the Court would be to shake a great many securities throughout the country. The deed in this case stated a demise by the mortgagor (A.) to the mortgagee (B.) of the term vested in the former, (wanting one day), at a peppercorn rent, subject to a proviso for redemption, if A. paid 10*l.* interest on the 29th January, 1848, and 410*l.* principal and interest, on the 29th July in that year. Until default, A. was to hold the premises without interruption, and he was to hold them as tenant at will to B., at the rent of 150*l.*, payable quarterly, for which rent B. might distrain on the premises, as landlords may for rent reserved on leases for years; but B. might at any time determine the tenancy by leaving notice, and he was to apply the rent, when received, in payment of the rent due from A. to his superior landlord, and in satisfaction of the principal and interest, and to pay the surplus (if any) to A.

Upon this last clause, the Court distinguished the case from *Walker v. Giles*, and held, that the relation of landlord and tenant at will was created, so as to enable the former to distrain for rent in arrear.

Another point of some importance was also decided in this case—namely, that a tenant at will cannot determine his tenancy by assignment to another, unless and until the landlord has knowledge of such assignment. The same rule had been laid down, with regard to the determination of the tenancy on the part of the landlord, in *Doe d. Davies v. Thomas*, (6 Exch. 855), where it was held, that if a party creates a tenancy at

will, and afterwards becomes insolvent, the vesting order, with knowledge thereof by the tenant, is a determination of the tenancy; and if the tenant, after such information, continues in possession, he may be treated as a trespasser. The rule seems to be, that there must be knowledge, or some notorious act, as feoffment with livery of seisin made on the land, or actual entry by the lessor on the land. (See *Yelv. 74*; *Disdale v. Iles*, 2 Lev. 88; *Hinchman v. Iles*, Vent. 247; *Ball v. Cullimore*, 2 C., M., & R. 120; Co. Litt. 55. b.; and Com. Dig., "Estates by Grant," H. 6, H. 9).

It may also be mentioned, as was stated by Parke, B., that a tenant at will, holding at a rent payable quarterly, cannot determine the tenancy during the current quarter.

### Reviews.

*Shall we Register our Deeds?* Answered by Sir EDWARD SUGDEN. Pp. 40. 1852. [Murray, and Sweet.]

*On the Registration of Transfers of Land, and their Assimilation to the Transfer of Stock. A Paper read before the Law Amendment Society, by Mr. W. S. COOKSON, on May 24, 1852.* (Law Review, vol. 16, p. 361).

*Shall we Simplify our Titles?* A Letter to the Lord High Chancellor of England, from a Conveyancing Barrister. Pp. 20. [Wildy & Sons.]

*Outline of a Measure for the Transfer of Land through a registered Proprietor of Fee-simple Estates, showing that Land may be sold and transferred on a similar Principle to Stock in the Public Funds, &c. An Address to the Committee of the House of Lords on the Bill for the Registration of Assurances.* By EDWARD WEBSTER, Esq., Barrister-at-Law, Lincoln's-inn. 4to. Pp. 24.

THE objection to a general registry most relied on is the expense, especially on small transactions. The Freehold Land Societies are up in arms against it. The mercenary and short-sighted among the solicitors are chuckling at it. We need not say much on the question of the expense of the establishment and system as a whole. An accurate calculation made by one of the commissioners (Mr. Frere) shews that three best-class three-windowed houses, of the ordinary depth, would afford accommodation for all the deeds likely to be registered for more than sixty years; and that calculation assumes that deeds will always be as bulky and ill-folded as they now usually are. The annual expense of the office, in salaries to officers and clerks, would not exceed 20,000*l.*, and an average payment of 4*s.* or 5*s.* per deed on registration would amply defray the entire expenses of the establishment. Under the present system, the length of abstracts is increasing in a progressive ratio, but in a very few years after the introduction of a general registry abstracts will be materially shortened, in consequence of the omission from them of numerous unregistered documents, which in the absence of a registry it is necessary to abstract. Covenants for the production of title deeds will be dispensed, and the expenses of investigating titles will be lessened in various ways. The saving, in short, to the owners and purchasers of real property will very soon greatly exceed the entire cost of the establishment. A very slight addition to the ad valorem stamp duties would raise a sufficient fund, and office fees might then be entirely dispensed with.

If the expenses of the establishment were raised by an ad valorem charge, some sum under 6*d.* would represent the cost of registration in small transactions, so far as the office expenses are concerned. But a gentleman, who writes from Bury St. Edmunds to Lord St. Leonards, asserts that the additional solicitor's charges

\* *Pinkhorn v. Souster*, (Exch., April 26, 1853).

could not, on a conveyance, be less than 5*l.*, and on a mortgage, than 4*l.* 10*s.* If this assertion had not been embalmed in the able speech of the late Lord Chancellor we should not have noticed it. We are not favoured with the details of the calculation, and we can only suppose that it includes every conceivable charge which could possibly enter into a solicitor's bill. By the same process we might shew, that under the present system, a mortgage for 100*l.*, or a purchase to the like amount, would necessarily cost 50*l.*; yet Mr. Green tells us that in his office the costs of conveyances under 500*l.* have been from 2*l.* to 7*l.*, and of mortgages from 1*l.* to 8*l.*, according to the amount, and exclusive of stamps. Now, let us see what the bill of costs of a solicitor on a small purchase consists of, where the abstract is short and everything goes smoothly:—

Attending you, and taking instructions to receive draft agreement for perusal .....	£0	6	8
Perusing draft agreement, fifteen folios .....	0	5	0
Writing you thereon .....	0	3	6
Conference thereon .....	0	6	8
Copy agreement to keep .....	0	5	0
Writing vendor's solicitor, with agreement...	0	5	0
Attending vendor's solicitor, and settling agreement.....	0	6	8
Alterations in copy draft .....	0	2	0
Comparing ingrossment .....	0	3	4
Attending attesting your signature .....	0	6	8
Writing vendor's solicitor for appointment to exchange agreement .....	0	3	6
Attending examining and exchanging agreement .....	0	6	8
On receipt of abstract, attending making appointment to examine .....	0	6	8
Attending examining abstract, two hours ...	0	13	4
Perusing abstract, fifteen sheets .....	1	13	4
Searching for judgments.....	0	6	8
Paid thereon.....	0	1	0
Drawing requisitions on title.....	0	6	8
Fair copy .....	0	3	4
Writing to vendor's solicitor therewith .....	0	3	6
Perusing copies certificates of burial, &c. ...	0	6	8
Perusing replies to requisitions.....	0	6	8
Writing vendor's solicitor accepting title ...	0	3	6
Instructions for conveyance .....	0	6	8
Drawing same, twenty folios.....	1	0	0
Fair copy .....	0	3	4
Writing vendor's solicitor, with drafts.....	0	3	6
Ingrossing conveyance .....	0	13	4
Parchment .....	0	5	0
Attending vendor's solicitor with ingrossment .....	0	6	8
Completing search for judgments.....	0	6	8
Paid thereon.....	0	1	0
Search for bankruptcy .....	0	6	8
Paid thereon.....	0	1	0
Attending vendor's solicitor, completing, &c.	0	13	4
	£11	19	2

That this is a very meagre bill of costs may be seen by reference to Dax or any other authority; and it is assumed that no counsel was employed, and that the title was short and free from difficulty.

The additional costs occasioned by the registry will be as follows:—

Registrar's fee on examining abstract .....	£0	1	0
Ingrossing duplicate conveyance .....	1	0	0
Parchment .....	0	5	0
Attending to register conveyance .....	0	6	8
Fee on registration .....	0	1	0
	£1	13	8

From this 1*l.* 3*s.* must be deducted for searches rendered unnecessary by the registry, leaving a balance of 10*s.* 8*d.* But we will take the extra costs at 1*l.* 13*s.* 8*d.* Of this amount 8*s.* will have been paid out of pocket, if the most liberal allowance is made for ingrossing and parchment; but on a small transaction the duplicate deed may well be dispensed with, the draft being kept in lieu of it. In that case the amount will be reduced to 8*s.* 8*d.*, and the costs out of pocket to 2*s.* We do not know how Mr. Green obtains his 5*l.*, "exclusive of registrar's fees." Now, if Mr. Green finds it worth his while in small transactions to accept 2*l.* in lieu of 1*l.* 19*s.* 2*d.*, it is fair to presume that he would be satisfied with a further advance of 2*s.* 6*d.* on the above-mentioned extra costs out of pocket; in which case the additional cost to his client would be 10*s.* 6*d.* if he took a duplicate conveyance, or 4*s.* 6*d.* if he did not. But the registrar's fees might be wholly remitted on transactions under 50*l.*

Even Freehold Land Societies, then, may view the registration scheme with little apprehension on the score of expense. In a few years they will find their gain in it.

It is now more than ten years since Mr. R. Wilson's "Plan for adapting the Machinery of the Public Funds to the Transfer of Real Property" was laid before the public. In the interval he has devoted extraordinary pains to the development and improvement of its details, and the result may be seen in the appendix to the first (and still the only) report of the Registration and Conveyancing Commission. We have no doubt that sooner or later the establishment of a perfect system of real property transfer will be the result of Mr. Wilson's able and disinterested labours. In February, 1847, we thus attempted to indicate the principle of Mr. Wilson's plan:—

"We now regard Mr. Wilson's ingenious plan in a light more favourable even than that in which he himself and the committee of the Law Amendment Society have ventured to place it. It is true, that the machinery by which he proposes to work out his principle differs as strikingly from those recon-dite arrangements which are now managed with so much art in Lincoln's-inn, as Liebig's laboratory does from that of Van Helmont; but the principle is one which was invented by the conveyancers themselves, and has long been applied, as a matter of course, in dealing with the principal estates in the country—applied, that is to say, in an imperfect manner, and so as to secure but a small portion of the advantages offered by Mr. Wilson's plan, and to occasion much more risk than it involves. In short, Mr. Wilson's scheme is nothing more than an improvement and amplification of that contrivance which is now universally adopted in well-drawn settlements of real estate—the power to sell and give discharges. The policy of this usual clause in settlements is well understood. No one can say that it may not at some time be advantageous for all the objects of the settlement, that the estate, or a part of it, should be sold; and as the parties beneficially interested may not then be competent to act for themselves, absolute dominion over the estate is conferred on a body of trustees, and provision is made for supplying vacancies among the members of that body. By those powers the estate and the produce of any sale are placed at the absolute mercy of the trustees, and this is daily done without hesitation in settling the largest estates in the country. Mr. Wilson proposes to do no more, or rather not to do so much; for his plan provides checks and safeguards which the present system wants.

"The plan is shortly this—to provide a register for the purposes of alienation only, being the only register to which a purchaser of the fee simple need look, wholly distinct from the register of subordinate or



'equitable interests, (if it should be deemed expedient to have such a register), just as the title derived from the trustees for sale under a settlement is distinct from, and independent of, the titles of the various persons beneficially interested under the settlement. On this register, at its commencement, the estate will be entered as belonging absolutely to a single owner, or to several joint owners; all reference to subordinate interests, except such simple interests as mortgages, leases, &c., being excluded. On the death of one of several owners the title will (for the purposes of the register) vest in the survivors; on the death of a sole owner the title (i. e. the power of disposition) will vest in his executor or administrator. The alienation by the registered owner or owners will confer an indefeasible title, and on the instrument of transfer being presented to the registrar the entry of the title of the alienor will be cancelled, and an entry of the title of the alienee will be substituted. Thus there will at all times be an owner on the register competent to act, and his title will be conclusively manifested by a single entry on the register. By means of apt provisions for caveats, stop-orders, &c., sufficient protection against the abuse of the large disposing power thus intrusted to the parties on the register may be provided." Particulars of the plan, in its improved form, may be found in 14 Jur., part 2, p. 306.

We have never been satisfied with Mr. Wilson's solution of the question—how his register is to be commenced? Neither a judicial investigation of title, nor a shortening of the period of limitation, would be endured. It seems to us that the registry may be set at work without either. The registry is intended to be confined to conveyances of the fee, mortgages, and leases. The first entry on the register of conveyances against a given estate would operate as an absolute conveyance of all the interest the conveying party had, such interest being represented to be an unincumbered legal estate in fee simple. The next entry would operate as an absolute conveyance of the interest which actually passed by the first entry, and would purport to be a conveyance in fee. In almost every case the real and the expressed effect of the entry would be the same, but the title prior to the first entry on the register would be investigated until a sufficient time had elapsed to render the omission of that precaution not imprudent. It occurs at once to say that a lapse of sixty years would in all cases relieve purchasers from looking beyond the register. The analogy of the existing rule could not, however, be safely followed. Mr. Wilson's register would not disclose the occasion of the registered alienation. The first entry might be a conveyance from the heir of a deceased trustee to new trustees, the next a conveyance to new trustees, and so on. They would all appear as absolute conveyances. The lapse of sixty or even one hundred years would, in such case, afford no guarantee of title. Under the existing system the true character of the title would appear. It seems, therefore, that the suitable preparation for the adoption of Mr. Wilson's plan would be the establishment of such a register as is contemplated by the Lord Chancellor's bill. After such a register of deeds had been in operation for a few years, Mr. Wilson's more perfect registry of title might be commenced, with a provision that no title should be entered on the registry of titles that did not previously appear on the registry of assurances.

We need not dwell long on the other pamphlets before us. Mr. Cookson's paper is remarkable as containing no reference to Mr. Wilson, though it was written for the very society which had recently had Mr. Wilson's plan under consideration, and though Mr. Cookson refers to the report of the Registration Commission, in which Mr. Wilson's plan is conspicuously noticed. Mr. Cookson's plan is Mr. Wilson's. The

paper is very well written, and places the leading features of the plan, and the arguments for it, in so clear a light, as to make us the more regret the author's want of candour.

In addition to the argument drawn from the usual powers of sale in settlements, Mr. Cookson refers to the powers of sale in mortgagees, who may thus be intrusted, not only with an absolute dominion over the land, but also, as trustees of the mortgage debt, with the money secured upon it; and he refers to the immense sums of money in the funds, and on other securities, which are, without hesitation, placed in the power of trustees. He might have added that the security of a distringas is rarely resorted to. In the pamphlet intitled "Shall we Simplify our Titles?" a further illustration is drawn from the fact, that leasehold property, whenever it is settled, or devolves upon a death, is invariably placed in the absolute power of trustees or personal representatives. But the author's propositions are distinguished by crudeness rather than novelty.

Mr. Webster proposes to have a judicial investigation of existing titles previously to the registration of a claim to absolute ownership, for the purposes of disposition. In other respects his plan bears a close resemblance to Mr. Wilson's; but want of space compels us to omit any more extended notice of it.

### London Gazettes.

FRIDAY, APRIL 22.

#### BANKRUPTS.

LEWIS FREDERICK BELLOT, Old Jewry-chambers, London, merchant, dealer and chapman, May 3 and June 2 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Crowder & Maynard, 57, Coleman-street.—Petition filed April 18.

KELLAND DOWN, Taunton, Somersetshire, and Torpoint, Devonshire, grocer and tea dealer, gas manufacturer, dealer and chapman, April 29 and June 11 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated April 18.

GEORGE BARBER, Bishopsgate-street Without, London, grocer and tea dealer, dealer and chapman, May 3 at half-past 1, and June 8 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Wallis, 36, New Broad-street, City.—Petition filed April 20.

WILLIAM HENRY ADAMS, St. John-st.-road, Middlesex, woollendrapery dealer and chapman, May 3 at half-past 11, and June 8 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Harris, 34, Moorgate-st.; Sole & Co., 68, Aldermanbury.—Petition filed April 19.

CHARLES DOUDNEY CRAY, Southampton, grocer, tea dealer, and provision merchant, dealer and chapman, May 2 at 2, and June 6 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed April 19.

WILLIAM HODGES GOUGH, Barton-st., Gloucestershire, builder, May 5 and June 2 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Lovegrove, Gloucester.—Petition filed April 15.

JOSHUA SCHOLLES, Ashton-under-Lyne, Lancashire, shopkeeper and retailer of beer, May 2 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Potter & Tooke, Manchester; Johnson & Co., Temple, London.—Petition filed April 12.

ROBERT RUTHERFORD, St. John's, Newfoundland, merchant, dealer and chapman, (trading at Manchester), May 3 and 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed April 18.

#### MEETINGS.

James Wild the elder, Sheffield, Yorkshire, ivory dealer, May 7 at 10, District Court of Bankruptcy, Sheffield, ch. ass.—Benjamin Willt, Wimborne Minster, Dorsetshire, brewer, May 10 at 11, Court of Bankruptcy, London, last ex.—Wm. Price, Bucklersbury, Cheap-side, London, eating-house keeper,

May 11 at half-past 1, Court of Bankruptcy, London, last ex.—*Richard Jones*, Oswestry, Shropshire, hatter, May 26 at 12, District Court of Bankruptcy, Birmingham, and. ac. and div.—*Richard Bell* and *Geo. W. Campbell*, Liverpool, merchants, May 3 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Geo. Pryde*, *David Jones*, and *John Gibb*, Liverpool, sail makers, May 3 at 11, District Court of Bankruptcy, Liverpool, and. ac.; May 16 at 11, div.—*Hugh Mackay*, Liverpool, and *Archibald F. Mackay*, Glasgow, merchants, May 5 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*W. Byrom*, *H. Taylor*, and *Thos. Byrom*, Manchester, Liverpool, and Wigan, Lancashire, coal proprietors, May 5 at 12, District Court of Bankruptcy, Manchester, and. ac. sep. ests. of *W. Byrom* and *H. Taylor*.—*Chas. Bertram* and *Wm. Parkinson*, Newcastle-upon-Tyne, merchants, May 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Thomas Sneezum*, Rupert-street, Coventry-street, Middlesex, builder, May 14 at 12, Court of Bankruptcy, London, div.—*Richard Ellis*, Dean-street, Southwark, Surrey, provision broker, May 13 at 11, Court of Bankruptcy, London, div.—*John Worrell*, Sussex-street, Tottenham-court-road, Middlesex, victualler, May 14 at 12, Court of Bankruptcy, London, div.—*D. Ion Wyatt* and *Eliza Underwood*, Bristol, hat manufacturers, May 12 at 11, District Court of Bankruptcy, Bristol, div.—*John Crosthwaite*, Liverpool, merchant, May 13 at 11, District Court of Bankruptcy, Liverpool, div.—*Hugh Henry Ross*, Liverpool, draper, May 13 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*William John Powell* and *Charles Hind*, Carnaby-street, Golden-square, Middlesex, linendrapers, May 13 at 11, Court of Bankruptcy, London.—*Jane Emma Spence*, Ladbroke-square, Notting-hill, St. Mary Abbots, Kensington, Middlesex, boarding-house keeper, May 13 at 1, Court of Bankruptcy, London.—*T. Chew* and *J. Chew*, Little Moorfields, St. Giles, Cripplegate Without, London, livery-stable keepers, May 13 at half-past 11, Court of Bankruptcy, London.—*Wm. Colk*, North Walsham, Norfolk, wine merchant, May 13 at half-past 1, Court of Bankruptcy, London.—*Gerard de Witte*, Throgmorton-street, London, commission agent, May 13 at half-past 11, Court of Bankruptcy, London.—*Hugh Henry Ross*, Liverpool, draper, May 13 at 12, District Court of Bankruptcy, Liverpool.—*Edward Price*, Birmingham, livery-stable keeper, May 11 at 12, District Court of Bankruptcy, Liverpool.

To be granted, unless an Appeal be duly entered.

*Thomas Fitch*, Chester-place, Kennington, Surrey, commission agent.—*George Benden*, Bristol, glass dealer.

## PETITIONS ANNULLED.

*Emil Kretschmar*, King-square, Middlesex, manufacturing jeweller.—*Arthur H. Jenkins* and *Edward John Woodhouse*, Gloucester, wine merchants.

## PARTNERSHIP DISSOLVED.

*Thomas Fairthorne* and *George Annesley*, St. Alban's, Hertfordshire, attornies and solicitors.

## SCOTCH SEQUESTRATIONS.

*David Husband*, Cupar, Fife, merchant.—*David Allan*, Edinburgh, spirit merchant.—*Geo. Kerr*, Port-Buchan, near Burnburn, deceased.

## INSOLVENT DEBTORS

Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*T. Parsons*, Reading, Berkshire, fishmonger, May 6 at 10, County Court of Berkshire, at Reading.—*J. Pocock*, junior, Bradfield, Berkshire, carpenter, May 6 at 10, County Court of Berkshire, at Reading.—*William Cargiloth Grylls*, Redruth, Cornwall, innkeeper, May 12 at 11, County Court of Cornwall, at Redruth.—*William Caton* and *Robert Caton*, Oxton, Woodchurch, Cheshire, out of business, April 29 at 10, County Court of Cheshire, at Birkenhead.—*William Colson*, Birkenhead, Cheshire, out of business, April 29 at 10, County Court of Cheshire, at Birkenhead.—*Henry Wedlake*, Bristol, tailor, April 27 at 11, County Court of Gloucestershire, at Bristol.—*James Bennett* the younger, Kirton, Lindsey, Lincolnshire, common carrier, May 13 at 11, County Court of Lincoln-

shire, at Brigg.—*Thomas Cutsforth*, Broughton, Lincolnshire, grocer, May 13 at 11, County Court of Lincolnshire, at Brigg.—*Robert Dolbey*, Wolverhampton, Staffordshire, provision dealer, May 21 at 9, County Court of Staffordshire, at Wolverhampton.—*Caroline Vaughan*, Bilston, Staffordshire, dress-maker, May 21 at 9, County Court of Staffordshire, at Wolverhampton.—*John Broadley*, Chorlton-upon-Medlock, Manchester, joiner, May 9 at 11, County Court of Lancashire, at Manchester.—*Thomas Rich*, Chorlton-upon-Medlock, Manchester, clerk, May 9 at 11, County Court of Lancashire, at Manchester.—*Thomas Oeller*, Hulme, Manchester, clerk of works, May 9 at 11, County Court of Lancashire, at Manchester.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

May 6 at 11, before the CHIEF COMMISSIONER.

*George Gadsby*, King-street, Stepney, Middlesex, accountant's clerk.

May 6 at 10, before Mr. Commissioner LAW.

*Richard Stevenson*, Little Mitchell-street, St. Luke's, Middlesex, working engineer.—*Thomas Leeson*, Harmond-street, Hampstead-road, Middlesex, cheesemonger.

May 7 at 11, before Mr. Commissioner PHILLIPS.

*Wm. R. Edwards*, Elm-grove, Rye-lane, Peckham, Surrey, assistant clerk in the General Register-office, Somerset House.—*Henry Elisha Whitlock*, London-road, Southwark, Surrey, cheesemonger.—*Charles James Brown*, Limehouse-hole, Poplar, Middlesex, licensed retailer of beer.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

May 6 at 11, before the CHIEF COMMISSIONER.

*William Wright*, Brewer-street, Woolwich, Kent, Slater.—*George William Dyson*, South-square, Gray's-inn, Middlesex, gentleman.—*Randolph Routh*, Worthing, Sussex, dealer in railway shares.—*George Rees* the elder, Ives-street, Green-street, Marlborough-road, St. Luke's, Chelsea, Middlesex, jobbing tinman.—*Catherine S. Reeve*, Victoria-road, Pimlico, Middlesex, stationer.

May 6 at 10, before Mr. Commissioner LAW.

*Richard Case* the younger, Gough-street North, Gray's-inn-road, Middlesex, out of business.—*Thomas Stacey*, Lee, Kent, carman.—*Alfred P. Callaghan*, Panton-st., Haymarket, Middlesex, messenger in the House of Commons.

May 7 at 11, before Mr. Commissioner PHILLIPS.

*Edward H. Eyre*, Rufford's-row, High-street, Islington, Middlesex, builder's clerk.

May 9 at 10, before Mr. Commissioner LAW.

*Richard T. C. Gray*, Bull and Mouth-st., St. Martin's-le-Grand, London, out of business.

County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—

*Joseph Houldsworth*, Hulme, Manchester, engraver, No. 76,284; *Thomas Johnston*, assignee.—*James Fitzpatrick*, Liverpool, baker, No. 76,122; *Joseph Lomax*, assignee.—*Michael Fitzpatrick*, Manchester, baker, No. 76,123; *Joseph Lomax*, assignee.—*Joseph Burton*, Crowcroft, Levenshulme, Manchester, general merchant, No. 76,170; *George Shaw Harwood*, assignee.—*Wm. Clough*, Gannow-lane Head, near Burnley, Lancashire, out of business, No. 76,311; *Henry Ayrton*, assignee.—*W. Holis*, Salford, Lancashire, provision dealer's assistant, No. 76,276; *Edward Jones*, assignee.—*Joseph Sutton*, Moston, near Sandbach, Cheshire, out of business, No. 76,396; *Abel Heywood*, assignee.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER,  
May 6 at 11.

*John D. Harwood*, Greenheys, Manchester, assistant to an ironmonger.—*Matthias Goodwin*, Manchester, out of business.

—*Joseph Bradshaw*, Cheetham, Manchester, salesman.—*J. Hope*, Preston, joiner.—*George Entwistle*, Liverpool, out of business.—*Francis Waters*, Liverpool, poultry dealer.—*John Cowley*, Manchester, out of business.—*Wm. Pope*, Manchester, out of business.—*Henry Hockenfull*, Halme, Manchester, agent.—*John Pizzotti*, Manchester, carver and gilder.—*H. Birchall*, Southport, joiner.—*John Burgess*, Manchester, licensed victualler.—*Charles Court*, Manchester, tool maker.—*Thomas Court*, Manchester, tool maker.—*Richard Court*, Manchester, tool maker.—*Enoch Hutchinson*, Low Green Hindley, near Wigan, out of business.—*Zachariah Mellor*, Manchester, beer seller.

*At the County Court of Berkshire, at READING, May 6 at 10.*

*Henry W. Legg*, Reading, general dealer.—*Thomas Green* the younger, Reading, out of business.

*At the County Court of Durham, at DURHAM, May 6.*

*Wm. Calvert*, Sedgefield, out of business.

*At the County Court of Flintshire, at MOLD, May 10 at 12.*

*Anne Davies*, widow, Glan-yr-axon, Fremeirchion, farmer.

*At the County Court of Worcestershire, at WORCESTER, May 11.*

*Henry Randel*, Hanbury and Hadsor, licensed to sell ale by retail.

#### MEETINGS.

*Thomas F. Wilmot*, Harby, Nottinghamshire, butcher, May 13 at 4, Mason & Dale's, Saltergate, Lincoln, sp. aff.—*Thos. Strickland*, Preston, Lancashire, beer seller, May 9 at 10, Ascroft's, Preston, sp. aff.

### TUESDAY, APRIL 26.

#### BANKRUPTS.

**JOHN CASTLE**, Goosey, Berkshire, cattle dealer, May 6 at 2, and June 10 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Slade & Vining, Yeovil, Somersetshire; Cragg & Jeyes, 22, Bedford-row.—Petition filed April 9.

**THOMAS FREEMAN**, Bromley, Kent, brewer, dealer and chapman, May 4 at 12, and June 8 at half-past 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Taylor, 27, Bucklersbury, London.—Petition filed April 15.

**THOMAS BLAKE BARROW WEBB**, Brighton, Sussex, and Gloucester, draper and milliner, dealer and chapman, May 3 at 2, and June 6 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Reed & Co., 59, Friday-street, Cheapside, London.—Petition filed April 23.

**WILLIAM HORBLINGS**, Basing, Hampshire, miller, dealer and chapman, May 6 at half-past 1, and June 4 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Pritchett & King, Basingstoke; Bridger & Collins, 37, King William-street, London.—Petition dated April 15.

**THOMAS SHANNON**, Manchester, manufacturer, dealer and chapman, May 13 and June 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Cooper & Sons, Manchester.—Petition filed April 10.

#### MEETINGS.

*Joel Boulter*, Tooley-street, Southwark, Surrey, out of business, May 7 at 11, Court of Bankruptcy, London, pr. d.—*Peter Thornton*, Preston, Lancashire, plumber, May 6 at 12, District Court of Bankruptcy, Manchester, last ex.—*Joseph Symes*, Queen's-buildings, Knightsbridge, Middlesex, cheesemonger, May 9 at 1, Court of Bankruptcy, London, aud. ac.—*George Danby*, Wigmore-street, Cavendish-square, Middlesex, jeweller, May 10 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. Turner*, Bath, Somersetshire, engineer, May 12 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John Gisborne*, Brynderry, Llandilo Pertholly, Monmouthshire, cattle salesman, May 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Joseph Blackband*, Newport, Shropshire, grocer, May 5 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*William Mole*, Birmingham, victualler, May 19 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*T. Cottingham*, West Barkwith, Lincolnshire, wool merchant, May 25 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and div.—*C. L. Kelly*, Artillery-place, Woolwich, Kent, grocer, May 17 at 12, Court of Bankruptcy, London, div.—*Richard*

*Howton Cuming*, Lamb's Conduit-street, Middlesex, book-seller, May 20 at 11, Court of Bankruptcy, London, fin. div.—*Joseph Claridge*, Bristol, jeweller, May 19 at 11, District Court of Bankruptcy, Bristol, first and fin. div.—*Robert P. Stephens*, Liverpool, shipowner, May 18 at 11, District Court of Bankruptcy, Liverpool, div.—*Henry Cole*, Birkenhead, Cheshire, builder, May 19 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*George Enser* and *Geo. Pearce*, Bethnal-green-road, Middlesex, grocers, May 18 at half-past 1, Court of Bankruptcy, London.—*Wm. Weller*, Chatham, Kent, maltster, May 18 at 1, Court of Bankruptcy, London.—*Henry Cousins*, Market Lavington, Wiltshire, plumber, May 17 at 11, District Court of Bankruptcy, Bristol.—*James Richard Grimshaw*, Pemberton, Lancashire, master coal miner, May 19 at 11, District Court of Bankruptcy, Liverpool.—*S. Benson*, Bridlington Quay, Yorkshire, miller, May 25 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*Ann Crawford*, Warden, Northumberland, paper manufacturer.—*John Hall*, Newcastle-upon-Tyne, corn factor.—*Samuel Cole Harrison*, Sunderland-by-the-Sea, Durham, linendraper.—*Abraham Chadwick*, Burn-edge, Rochdale, and Fair View, near Littleborough, Lancashire, cotton spinner.—*Wm. Frost*, Macclesfield, Cheshire, silk throwster.—*Samuel Padget*, Preston, Lancashire, draper.—*Wm. Higginbotham*, Macclesfield, Cheshire, silk manufacturer.—*Frederick Sutton*, Kingston-upon-Hull, furnishing ironmonger.—*Thos. Cawd*, Newark-upon-Trent, Nottinghamshire, coal merchant.—*S. Dudgeon*, Litchurch, Derbyshire, builder.

#### PETITION DISMISSED.

*Matthew Rowlandson* and *Lancelot Rowlandson*, White-chapel-road, Middlesex, drapers.

#### PARTNERSHIP DISSOLVED.

*Richard Hart* and *Thos. Kipping*, Maidstone, Kent, attorneys-at-law and solicitors in Chancery.

#### SCOTCH SEQUESTRATIONS.

*James Marshall*, Edinburgh, solicitor.—*James Johnston*, Glasgow, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Strafford*, Dukinfield, Cheshire, brass moulder, April 30 at 11, County Court of Lancashire, at Ashton-under-Lyne.—*Patrick John Hynes*, Nottingham, surgeon, May 12 at 9, County Court of Nottinghamshire, at Nottingham.—*S. Hartley*, Bolsover, Derbyshire, butcher, May 18 at 11, County Court of Derbyshire, at Chesterfield.—*Charles Hewlett*, Petworth, Sussex, shoemaker, May 13 at 11, County Court of Sussex, at Petworth.—*Samuel Philcox*, Hastings, Sussex, saddler, May 16 at 11, County Court of Sussex, at Hastings.—*E. Gallop*, Hastings, Sussex, plasterer, May 16 at 11, County Court of Sussex, at Hastings.

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 11 at 11, before the CHIEF COMMISSIONER.*

*Nicholas St. Leger*, Finsbury-st., Finsbury-square, Middlesex, out of business.

*Saturday, April 23.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Henry C. Russell*, Water-lane, Tower-street, London, attorney-at-law, No. 63,036 T.; *William Tapping*, assignee.—*Nicholas Aitken*, Nailsea, near Bristol, Somersetshire, glass maker, No. 68,118 C.; *James Hartley*, assignee.—*P. Frith*,

Staveley, Derbyshire, shoemaker, No. 74,655 C.; James Gibney, assignee.—*Henry A. K. Proctor*, Deal, Kent, in no occupation, No. 76,115 C.; W. Fells, assignee.—*Richard Salt*, Birmingham, cutler, No. 76,220 C.; William Hutchinson, assignee.—*Wm. Hollis*, Salford, Lancashire, provision dealer's assistant, No. 76,276 C.; Edward Jones, assignee.—*George Hall*, Gloucester, dealer in hay, No. 76,319 C.; Wm. Gaisford, assignee.—*John Mark Little*, Manchester, plumber, No. 76,339 C.; Richard Smith, assignee.

Saturday, April 23.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—  
(On their own Petitions).

*Edward H. Delafosse*, Craven-street, Strand, Middlesex, captain in the Royal Navy on half-pay: in the Debtors Prison for London and Middlesex.—*Thomas Atkins*, Chick-row, Putney, Surrey, plumber: in the Queen's Prison.—*Jas. Mowatt*, Lower Conduit-mews, Conduit-street, Paddington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Valentine Eikins*, St. Martin's-lane, Leicester-sq., Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*C. Wm. Barber*, Beaumont-street, Marylebone, Middlesex, surgeon-dentist: in the Debtors Prison for London and Middlesex.—*George Cooke*, Bedford Nursery, Acton-lane, Brixton, Surrey, tea dealer: in the Gaol of Surrey.—*James Ingham*, Corrugated-row, Queen's-road, Bermondsey, twine manufacturer: in the Gaol of Surrey.—*Bembridge Boston*, New Church-street, Bermondsey, clerk to an iron-founder: in the Gaol of Surrey.—*John Stanton*, Stanmore-street, Caledonian-road, Middlesex, clerk to an auctioneer: in the Debtors Prison for London and Middlesex.—*Gideon Lawrence*, Cambridge-road, Mile-end, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*William Golding*, Newton-street, Holborn, Middlesex, gun maker: in the Debtors Prison for London and Middlesex.—*W. Arrow-smith*, Cambridge-terrace, High-street, Kingsland, Middlesex, belt maker: in the Queen's Prison.—*H. Forrest*, Grafton-street East, Fitzroy-square, Middlesex, clerk in the General Post-office: in the Queen's Prison.—*Wm. Paterson*, Wandsworth, Surrey, travelling draper: in the Queen's Prison.—*J. Kerr*, Leadenhall-street, London, perfumer: in the Debtors Prison for London and Middlesex.—*Charles Strang*, Leadenhall-street, London, perfumer: in the Debtors Prison for London and Middlesex.—*John Thomas Walkden*, Parker-street, Little Queen-street, Holborn, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*E. H. Delafosse*, Craven-street, Strand, Middlesex, captain in the Royal Navy on half-pay: in the Queen's Prison.—*Lewis Preboud*, Hackney-road, Middlesex, cabinet manufacturer: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*Margaret Coleman*, widow, Hope House, New-groes, Kent-road, Surrey, not in any business: in the Queen's Prison.

(On their own Petitions).

*Thomas Langley*, Chalvey, near Slough, Buckinghamshire, baker: in the Gaol of Reading.—*Charles Court*, Manchester, machine maker: in the Gaol of Lancaster.—*Enoch Hutchinson*, Hindley, near Wigan, Lancashire, out of business: in the Gaol of Lancaster.—*Arthur Chas. Steele*, Portsmouth, Southampton, lieutenant in the Royal Marine Artillery: in the Gaol of Winchester.—*Wm. Ratcliffe*, Ashton-under-Lyne, Lancashire, butcher: in the Gaol of Lancaster.—*Oliver Washer*, Oxford, shoemaker: in the Gaol of Oxford.—*S. E. M. Wells*, Norwich, out of business: in the Gaol of Norwich.—*George H. Tollervey*, Portsmouth, Southampton, butcher: in the Gaol of Winchester.—*James Baker*, Plymouth, Devonshire, out of business: in the Gaol of St. Thomas the Apostle.—*Thomas Jennings*, Exeter, Devonshire, miller: in the Gaol of St. Thomas the Apostle.—*Robert White*, Garboldisham, Norfolk, drover: in the Gaol of Norwich.—*George E. Ellis*, Ipswich, Suffolk, builder: in the Gaol of Ipswich.—*Joseph Brown*, Strood, Kent, out of business: in the Gaol of Maidstone.—*Wm. Horniman*, her Majesty's ship Tyne, Woolwich, Kent, clerk: in the Gaol of Maidstone.—*J. Marshall*, York, labourer: in the Gaol of York.—*Edward Oakley*, Fisherton Anger, Wiltshire, chemist: in the Gaol of Fisherton Anger.—*Rosal A. Rose*, Greenwich, Kent, milliner: in the Gaol of Maidstone.—*John Budd Gough*, Preston Barracks, Sussex, servant in the 17th Lancers: in the Gaol of Lewes.—*John*

*Avison*, Spittle Beck, near Malton, Yorkshire, farm servant: in the Gaol of York.—*Robert Carruthers* the younger, Liverpool, out of business: in the Gaol of York.

(On Creditor's Petition).

*Wm. Rawlinson*, Hughendon, Buckinghamshire, farmer: in the Gaol of Aylesbury.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

May 10 at 11, before the CHIEF COMMISSIONER.

*César C. Barrabé*, Regent-street, Middlesex, clerk to a merchant.—*Charles Udsell*, Great Portland-st., Oxford-st., Middlesex, out of business.—*John Newton*, Clarges-street, Piccadilly, Middlesex, licensed victualler.—*Stephen Gibbs*, Horse and Trumpeter-yard, Crutched-friars, London, livery-stable keeper.

May 10 at 11, before Mr. Commissioner PHILLIPS.

*George Erneman*, Thoydon Bois, near Epping, Essex, tailor.—*Charles Dodson*, Market-st., Paddington, Middlesex, coach builder.—*James Thomson*, Upper Berkeley-st., Portman-sq., Middlesex, commission agent.—*Edward F. Wood*, Wright's-buildings, Spa-road, Bermondsey, Surrey, dust contractor.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Kent, at MAIDSTONE, May 10 at 12.

*Alfred Young*, Rochester, licensed victualler.—*D. Blyth*, Marine Barracks, Chatham, captain in the Royal Marines.—*Wm. Seath*, Strood, out of business.—*Joseph Brown*, Strood, out of business.—*Sarah Anne Rose*, Greenwich, milliner.—*Abraham Daniels*, Blackheath, out of business.—*Stephen Jarrett*, Hornsmonden, thatcher.—*William Horniman*, her Majesty's ship Tyne, Woolwich, clerk in charge.

At the County Court of Suffolk, at IPSWICH, May 13 at 10.

*Samuel Bennett*, Ipswich, tailor.—*Henry Whayman*, Sudbourne, near Woodbridge, farmer.—*Horace Whayman*, Sudbourne, near Woodbridge, farmer.—*George E. Ellis*, Ipswich, builder.

At the County Court of Yorkshire, at KINGSTON-UPON-HULL, May 13.

*Edward Gaines*, Kingston-upon-Hull, licensed victualler.—*George Crouch*, Kingston-upon-Hull, professor of music.

At the County Court of Northumberland, at MORPETH, May 13 at 10.

*George W. Revell*, Alnwick, spirit merchant.

At the County Court of Norfolk, at NORWICH, May 13 at 10.

*Richard Smith* the younger, Paxworth, horse dealer.

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LONDON, MAY 7, 1853.

THERE is no one thing more striking in the history of English law than the constant struggle which has been made to obtain and preserve the right of free and unfettered alienation of property. The acquisition of this privilege is almost coeval with the right of property itself. In the feudal times it followed immediately upon the creation of estates of inheritance in land. Restricted to some extent by the Statute De Donis, the judges, yielding to the pressure from without, by the decision in *Taltarum's case*, establishing the validity of the strange device of a recovery, virtually repealed the restriction, which no Parliament has ventured to re-enact. From an old date, for the same reason, there has been great jealousy of all gifts in mortmain; and this feeling largely aided the rapacity of Henry VIII and his servile courtiers in contriving the dissolution of the monasteries. In his reign the Statute of Uses was a blow aimed directly at an evasion of the law of mortmain, by declaring uses in favour of religious bodies. Another effect of the same act was to put a check upon the novel limitations of property which were intro-

duced under the form of uses; and this was again evaded by allowing similar limitations of the legal estate under the statute, and by the revival of the old use under the name of a trust. Coming down to more recent times, the same spirit is evinced by the establishment of an arbitrary rule against perpetuities. By the *cy-près* doctrine, the Fines and Recoveries Act, by an ardent desire for a system of registration, expected to simplify the conveyance of real property by a real simplification of conveyances, substituting a grant for the clumsy form of the lease and release, and, not least significantly, by the vague ignorant murmur against primogeniture and entail laws on the part of those who believe them to be the chief bulwarks of aristocratic immunities, richly undeserved. These are but a few of the symptoms of an irresistible necessity; but the list would be incomplete indeed if it omitted to include the *Thellusson Act*, 39 & 40 Geo. 3, c. 98, by which the power of directing accumulations of the income of property was confined within still straiter limits than the period during which the absolute interest in the capital might be settled so as to be inalienable, in direction to accumulate is particularly obnoxious to the



principle of free alienation, for during the continuance of the trust for this purpose, the very enjoyment of the property is taken away from all persons. Not only can no one alienate it, but no one can have even the use of it; the whole property, principal and interest, is shut up, and abstracted entirely, for the time, from the general store. No wise government could allow its subjects to possess such a control over their property. It would be a glaring abuse of the right of alienation from which it originated. Absolute power of making any limitations of property whatever cannot co-exist with the freedom of disposition which the law confers upon the individual for the benefit of the community. Accordingly the Thellusson Act restricted the period, during which an accumulation may be directed, to the life of the grantor, or twenty-one years from his death, or the minority of any person, who, if of age, would be entitled to the income so to be accumulated. The statute contained, however, certain exceptions to this rule, one of which was a provision for raising portions in certain cases; and upon this part of it the following case has occurred for decision:—Lord Barrington, on his marriage in 1823, settled certain family estates to the use of trustees for a term of years, upon the usual trusts to raise portions for younger children of the marriage: if one such child only, 20,000*l.*; if two, 30,000*l.*; and if three or more, 40,000*l.* There were more than three children, so that the last-mentioned sum became raiseable. By his will, dated in 1826, the Bishop of Durham, who was Lord Barrington's great uncle, after noticing the trust for raising portions for his nephew's children, bequeathed to his executors named in his will 15,000*l.*, upon trust to invest, and to accumulate all the income of such investment during the life of Lord Barrington; or if Lord Barrington died within twenty years after the testator's death, then to accumulate for such period of twenty years, and to stand possessed of the invested funds and accumulations, upon trust to discharge the portions of Lord Barrington's younger children when payable, "and in exoneration of the hereditaments charged therewith;" if the fund should become sufficient for this purpose within the time directed for accumulation, such accumulation thereupon to cease. And the testator bequeathed one half of his residuary personal property to Lord Barrington, and the other half to his younger children, after the decease of Lord and Lady Barrington. The testator died in 1826. Lord Barrington was still alive; and the question was, whether the accumulation was good beyond twenty-one years from the testator's death, which depended upon whether the case was within the saving as to portions in the 2nd section of the Thellusson Act, to which we have referred. That proviso is in the following words:—"Nothing in this act contained shall extend to any provision for payment of debts of any grantor, settlor, or devisor, or other person or persons, or to any provision for raising portions for any child or children of any grantor, settlor, or devisor, or any child or children of any person taking an interest under any such conveyance, settlement, or devise, or to any direction touching the produce of timber or wood upon any lands or tenements; but all such provisions and directions shall and may be made and given as if this act had not passed." The case was most elaborately argued; and Lord St. Leonards, then Lord Chancellor, decided that this saving applied to the accumulation directed as above mentioned by the will of the Bishop of Durham for the children of his nephew, Lord Barrington, although no benefit in the property directed to be accumulated was given to Lord Barrington himself.

The curious process of reasoning by which Lord St. Leonards arrived at this conclusion seems to have been as follows:—The provision in the statute is vaguely and loosely expressed. The first sentence allows an

accumulation for the purpose of paying the debts of yourself, or any "other person or persons," that being a power which no one is likely to abuse. This provision applies to past as well as future debts. *Halford v. Staines* (16 Sim. 466) decided that the next sentence concerning portions applies to portions previously charged by the person directing the accumulation, and there being no break in this sentence any more than in the previous one. "Whatever a grantor or settlor may do with regard to his own children, he could do with regard to the children of any other person, as regards past portions or future portions, because there is no distinction between them, except that the persons whose children may have portions provided them by a grantor, settlor, or devisor, must be persons who take an interest under 'any such conveyance, settlement, or devise.'" There are no words in the statute to shew an intention that the interest which the father of such children is to take must be in the very property which is directed to be accumulated. It would have been easy to express such intention if it had existed. The Legislature were obliged to give some definition of the parent, or the exception would have applied to the whole world; and the limitation accordingly was, "very sensibly—if you make the father an object of your bounty upon the face of your will, you may by that same will accumulate a fund, within the limit allowed by law, for the children of that party."

We confess it appears to us that the weakness of this argument is of itself alone sufficient to condemn the conclusion. But we prefer to look at the matter from higher ground. It is almost incredible that a great lawyer should ignore the policy of which the former part of this rapid sketch has noticed so many illustrations in the history of English jurisprudence. In construing such a statute as the Thellusson Act it is impossible to put out of sight, unless it be done wilfully, the principle of preserving the power of free alienation of property for the benefit of the community, which was the sole origin of the enactment. Why, then, were accumulations "for raising portions" excepted? Obviously because to provide portions for a man's younger children was a duty which it was right that he should have even extraordinary facilities for performing. This reason only extends to portions given by the grantor, who directs the accumulation. But our law recognises as portions, gifts by a man to another's children, towards whom he may have placed himself in loco parentis, even though their own father may be living. (See *Powys v. Mansfield*, 3 My. & C. 359). Or, again, where property is given to a stranger for life, and then portions out of it, after his decease, are given to his children. The vis termini itself shews that the property given must be part of what belonged to the parent, or to the donor who was in loco parentis. The framers of the statute, in their wisdom or folly, chose to define what portions were intended to be excepted from its operation. These were, of course, portions for the grantor's children, and further, for the children of any person taking an interest under the grant. Can the meaning be mistaken? Could this latter definition refer to any but the third class of portions we have mentioned as recognised by the law, viz. where the very property to be divided into portions had been given to the father of the children previously? Why, if the same property were not previously given to the father of the children, but were simply directed to be divided among the children, then, *quid the grantor, these are not portions*. In that case the reason for the exception would not apply, and neither would its language, without an extravagant distortion.

This was the view taken by Sir G. J. Turner, L. J., then Vice-Chancellor, on the original hearing of the case to which we have called attention; and notwithstanding Lord St. Leonards' great fame as a lawyer, we



prefer to remain in error upon this point with the most learned and able judge whose decision he reversed. If we wished to find other arguments against his Lordship's judgment, they are readily at hand. Not only were the portions of Lord Barrington's younger children no portions for which the Bishop of Durham was under the slightest obligation to provide, nor any part of property previously enjoyed by their father, but the provision made by the Bishop of Durham was positively no benefit in the world to these younger children. The only person who took any advantage from it was the owner of the estate on which the portions were originally charged, and the bishop's will actually expressed that the purpose of the accumulation was to exonerate these hereditaments so charged!

This is a purpose altogether so foreign to the spirit of the statute, that no lawyer would attempt to find authority for it in any of the provisos or exceptions.

The principle of this decision reduces the act to a nullity. We see nothing now to prevent an accumulation, as extensive as that which Mr. Thellusson directed, in favour of any man who has a father living, to whom, by the same instrument, 5l. or 10l. may be given, to satisfy Lord St. Leonards' construction of this statute.

Vice-Chancellor Stuart has expressed an approval of this decision of Lord St. Leonards; and this learned judge has even gone so far as to intimate some doubt of the policy of passing the Thellusson Act at all; (see *Middleton v. Losh*, 17 Jur., part 1, p. 177); an opinion which Lord St. Leonards has never, so far as we know, on any occasion, expressed, and in which, we think, few lawyers of eminence will be found to concur.

### Correspondence.

#### REGISTRATION OF TITLES.

TO THE EDITOR OF "THE JURIST."

SIR,—As you have honoured my little book, "Shall we simplify our Titles?" by mentioning it in your able article on registration in last week's *JURIST*, will you pardon my calling your attention more clearly than I have there done to one point which bears strongly on the question of facilitating transfers of land? Take up any old abstract shewing the title to an outstanding term of years, and ten to one you will find that at some period or other it passed to an executor, and from him to another executor, and then to an administrator, and so on, perhaps, for many generations. You will then see that a single page of the abstract shews the title for a hundred years. For all that can be set forth is the date of the different wills or letters of administration, and the names of the executors or administrators. For once the law beat the lawyer, and left him no excuse for abstracting the will, raising doubts as to its effect, and consulting counsel thereon, &c.; and consequently, so far as this principle is concerned, titles are simplicity itself. And how was this done? By the person named executor or administrator taking, *virtute officii*, full power to transfer the land, of which he *could not* be deprived by anything contained in the body of the will. We have here direct and positive experience as to how abstracts and conveyances may be shortened and simplified, and I am firmly convinced you will find no other principle effectual for that purpose; for as long as you leave the lawyer a possibility of complicating matters, he will avail himself of it.

This is the principle I meant to advocate, and you will see it is applicable to any system of registration; though I certainly think that, with simplified titles, it would be sufficient to register memorials without taking away the deeds themselves, which, whether

reasonably or unreasonably, people strongly object to parting with.

I am, Sir, yours very obediently,

A CONVEYANCING BARRISTER.

Lincoln's Inn, April 26, 1853.

[We did not receive the above communication until after the conclusion of our article had been printed. The illustration is valuable; but the propositions contained in our correspondent's pamphlet are mere sketches of some of the main features of Mr. Wilson's plan. It is part of Mr. Wilson's plan that the absolute dominion over the fee should devolve on the executor or administrator.

In our estimate of the costs of registration under the Lord Chancellor's bill, the ingrossing of the duplicate conveyance was, by mistake, set down at 1l. instead of 13s. 4d., which would be the charge for a deed of twenty folios. The total amount should, therefore, be 1l. 7s. instead of 1l. 13s. 8d.—Ed.]

TO THE EDITOR OF "THE JURIST."

SIR,—It is not usually within the scope of a journal like yours to enter on the discussions of the budget of a Chancellor of the Exchequer. That, however, of the present year contains a point to which I wish to call the attention of the legal profession and the public—that is, the question of the legacy duty being chargeable on real estate and money in settlement. I am not going into the question of the justice or injustice of this, of which, considering the difference between stamps on the transfer of landed and personal property, there can scarce be a dispute between reasonable men; and it is to be presumed that those stamp duties will be equalised if this measure be carried into effect. But there is a point of much greater importance connected with this subject—at any rate, in the eyes of a Government—and that is, the question of expediency.

I want to know, from some member of the Profession better acquainted with the conveyancing branch of it than myself, what will be the effect of imposing a tax on successions on the titles to landed estates in the course of fifty years? It appears to me, that as it is very often that the legacy duty runs on for a long period, if this is to be a charge on the land overriding mortgages, subsequent settlements, &c., there will be such a confusion of titles, that in fifty years there will not be a good title to be had in the three kingdoms. As to the taxing of personalty in settlement, I deny the possibility of it. Say I am trustee of money in settlement—it stands in my name, and that of a co-trustee; when my *cestui que vie* dies, I will not pay the Chancellor of the Exchequer one shilling, and I defy him, and all the Chancellors that have existed since the Conquest, to make me. It will not be very easy with funded property, but with personalty in settlement it is absolutely impossible to exact this tax; and if any of it is collected at all, it must be at the cost of enormous litigation. I presume that no one will pay a tax that he can avoid—which is a fair supposition.

I shall, Sir, feel much obliged if you can place this view of the case before the public. We have been doing much to simplify titles, and to decrease litigation. This is a step, made through either ignorance or indifference, to confuse the one and to promote the other.

I remain, Sir,

Your obedient servant,

A BARRISTER.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed William Machin Ingle, Gent., of Belper, Derbyshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Derby.

## GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

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## COMMON-LAW AND EQUITY REPORTS.

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## THE QUEEN'S BENCH REPORTS.

Will be ready for delivery on the 10th May, price 11s. sewed, **ELLIS & BLACKBURN'S QUEEN'S BENCH REPORTS**, Vol. I, part 3, containing Hilary Term and Vacation, and Easter Term, 1853.

\*. The remainder of the Cases to complete the former Series, by Messrs. Adolphus & Ellis, are in great forwardness, and will be published speedily.

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In a few days.—THE SECOND EDITION.

**THE BANKRUPT LAW CONSOLIDATION ACT**, 1849, (12 & 13 Vict. c. 106), with the New Rules, an Introductory Analysis, and Notes, and a very copious Index. By EDWARD WISE, Esq., of the Middle Temple, Barrister at Law.

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**PARTICIPATION IN PROFITS.**—Policies participate in the Profits in proportion to the number and amount of the Premiums paid between every division; so that if only one year's Premium be received prior to the books being closed for any division, the Policy on which it was paid will obtain its due share. The books close for the next division on the 30th June, 1856; therefore those who effect Policies before the 30th June next will be entitled to one year's additional share of Profits over later assurers.

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Premiums may be paid yearly, half-yearly, or quarterly, and if the payment of any Premium be omitted from any cause, the Policy can be revived within fourteen months.

The Accounts and Balance-sheets are at all times open to the inspection of the Assured, or of persons desirous to assure.

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# The Jurist

No. 852\*—Vol. XVII.

MAY 7, 1853.

Supplemental Number.

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## London Gazette.

FRIDAY, APRIL 29.

### BANKRUPTS.

WILLIAM HOWLINGS, (not Horrings, as advertised in the Gazette of April 26), Basing, Hampshire, miller, dealer and chapman, May 6 at half-past 1, and June 4 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Pritchett & King, Basingstoke; Bridger & Collins, 37, King William-street, London.—Petition dated April 15.

ALEXANDER JACOBS, Moorgate-street, London, and Torquay, Devonshire, builder and silversmith, dealer and chapman, May 16 at 12, and June 9 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Sydney, 46, Finsbury-circus.—Petition filed April 21.

JOHN PRESTON, King's Arms-yard, Moorgate-street, London, woollen warehouseman, dealer and chapman, May 17 at half-past 12, and June 7 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cox & Taylor, 4 and 5, Pinner's-hall, Old Broad-street, London.—Petition filed April 20.

WILLIAM SCALES, White-hill Paper Mill, near Chester-le-street, Durham, paper manufacturer, May 10 at 11, and June 15 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Crosby, and Compton, London.—Petition filed April 20.

WILLIAM STILES, Stratford-upon-Avon, Warwickshire, out of business, May 11 and June 1 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Lane, Stratford-upon-Avon; Hodgson, Birmingham.—Petition filed April 26.

JOSHUA BOWKER, Hyde, Cheshire, innkeeper, nurseryman and seedsman, dealer and chapman, May 9 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Andrew, Manchester; Johnson & Robinson, Lincoln's-inn-fields, London.—Petition filed March 30.

JOHN HENRY WHITFIELD and FRANCIS LYTH, York, builders, dealers and chapmen, May 10 at half-past 11, and June 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Holthby, York; Bond & Barwick, Leeds.—Petition dated April 22.

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Q \*

## MEETINGS.

Frederick Wale, Leicester, draper, May 27 at 10, District Court of Bankruptcy, Nottingham, pr. d.—William Haden Richardson, Benjamin Richardson, and Jonathan Richardson, Wordeley, Staffordshire, and Lamb's Conduit-street, Middlesex, glass manufacturers, May 12 at 12, District Court of Bankruptcy, Birmingham, pr. d.—George Hart and Thomas Hart, Union-street, Southwark, Surrey, trimming manufacturers, May 11 at 12, Court of Bankruptcy, London, aud. ac.—Geo. Courthope, Paradise-row, Rotherhithe, Surrey, coal merchant, May 11 at 11, Court of Bankruptcy, London, aud. ac.—Andrew Burns, Sackville-street, Piccadilly, and Caroline-place, Pancras-vale, Middlesex, tailor, May 11 at 11, Court of Bankruptcy, London, aud. ac.—Numa Berton, Princes-street, Hanover-square, Middlesex, tailor, May 19 at 12, Court of Bankruptcy, London, aud. ac.—Joseph H. Dumas and John Venables, Craven-street, Strand, Middlesex, ship-owners, May 9 at 12, Court of Bankruptcy, London, aud. ac.—John Urwin, Newcastle-upon-Tyne, licensed victualler, May 23 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Thomas Tyson, Whitehaven, Cumberland, builder, May 23 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Hugh Henry Ross, Liverpool, draper, May 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Crosthwaite, Liverpool, merchant, May 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Robert Carr, Holyhead, Anglesea, licensed victualler, May 10 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—George Coldwell, Ashton-under-Lyne, Lancashire, shoemaker, May 10 at 12, District Court of Bankruptcy, Manchester, aud. ac.; May 24 at 12, div.—Charles Forster Cotterill and Wm. Henry Hill, Walsall, Staffordshire, merchants, May 10 at 12, District Court of Bankruptcy, Birmingham, aud. ac., and May 24 at 12, div. sep. est. of Charles Forster Cotterill.—John Hayward, Hisland, Oswestry, Shropshire, scrivener, June 4 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—Joe Manning, Birmingham, Warwickshire, draper and tailor, May 9 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—Wm. Cooper, Kidderminster, Worcestershire, carpet manufacturer, May 9 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—Edw. Kenyon Bullman, Leeds, cabinet

maker, May 23 at half-past 11, District Court of Bankruptcy, Leeds, sud. ac.—*Edw. Leman*, Church-row, Newington, Surrey, and *Thomas Kineman Bryan*, Old Swan Pier, Upper Thames-st., London, wharfingers, May 20 at 1, Court of Bankruptcy, London, div. sep. est. of *Thomas Kineman Bryan*, and half-past 1, div. joint est.—*James Hunter* the younger, Barge-yard, Bucklersbury, London, merchant, May 20 at 12, Court of Bankruptcy, London, div.—*Sarah Isherwood* and *Nicholas Thomas Isherwood*, Ludgate-hill, London, house decorators, May 19 at 2, Court of Bankruptcy, London, div.—*Wm. Thornton*, St. John's-hill, Battersea, Surrey, carpenter, May 19 at half-past 11, Court of Bankruptcy, London, div.—*James Henry Mills*, Hove, Sussex, broker, May 20 at 11, Court of Bankruptcy, London, div.—*Thomas Caswell*, Newark-upon-Trent, Nottinghamshire, coal merchant, May 27 at 10, District Court of Bankruptcy, Nottingham, first and fin. div.—*Thos. Fowkes*, Redditch, Worcestershire, innkeeper, May 12 at 12, District Court of Bankruptcy, Birmingham, div.—*Richard Hansell Bell* and *E. Bell*, South Shields, Durham, paper manufacturers, May 25 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div. sep. est. of *E. Bell*.—*Robert Wall Ogilvie*, Newcastle-upon-Tyne, ship broker, May 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Wm. Russell*, Liverpool, merchant, May 20 at 11, District Court of Bankruptcy, Liverpool, div.—*John Simpson Leake*, Wheelock, Sandbach, Cheshire, salt merchant, May 20 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Albert Milstead*, Swansea and Cardiff, Glamorganshire, furrier, May 20 at 2, Court of Bankruptcy, London.—*Nath. Birkett Gibbs*, Connaught-terrace, Edgeware-road, Middlesex, chemist, May 21 at 2, Court of Bankruptcy, London.—*R. Stock Meeson*, *John Meeson*, and *Edw. Meeson*, Stratford, Essex, coal merchants, May 21 at 2, Court of Bankruptcy, London.—*Samuel Saller*, Hunton Bridge, Abbots Langley, Hertfordshire, maltster, May 21 at 12, Court of Bankruptcy, London.—*Wm. Morton*, Belgrave-place, Pimlico, Middlesex, bill discounter, May 20 at 11, Court of Bankruptcy, London.—*John Gerr*, Chatham, Kent, butcher, May 24 at half-past 11, Court of Bankruptcy, London.—*John Hints Watkins*, Woolwich, Kent, grocer, May 24 at 11, Court of Bankruptcy, London.—*John Urwin*, Newcastle-upon-Tyne, licensed victualler, May 25 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*James Ford*, Wolverhampton, Staffordshire, cattle dealer, May 23 at 1, District Court of Bankruptcy, Birmingham.—*Wm. Butterworth*, Mansfield, Nottinghamshire, grocer, May 27 at 10, District Court of Bankruptcy, Nottingham.—*Thos. Wm. Baker*, West Derby, Walton-on-the-Hill, and Liverpool, tobaccoist, May 23 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Alfred Mason*, Kimbolton, Huntingdonshire, ironmonger.—*John Coker*, Saltash, Cornwall, merchant.—*Wm. Toms* the younger, Honicknowle, St. Budeaux, Devonshire, victualler.—*George H. Tyerman*, Plymouth, Devonshire, hosier.

## PETITION ANNULLED.

*Wm. Ward Andrews*, Wolverhampton, Staffordshire, ironmonger.

## PARTNERSHIPS DISSOLVED.

*John Copland* and *Edward Copland*, Chelmsford, Essex, attorneys and solicitors, (under the firm of John & Edward Copland).—*Hugh T. Shaw* and *Wm. Henry Newstead*, Ely-place, Holborn, Middlesex, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

*John Shaw*, Fountainbridge, near Edinburgh, cattle dealer.

## INSOLVENT.

*George Fairless*, Dunston, Durham, joiner, May 18 at 10, County Court of Durham, at Gateshead.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Loth*, Seaforth, near Liverpool, professor of languages, May 9 at 10, County Court of Lancashire, at Liverpool.—*Wm. Penn*, Liverpool, assistant clerk, May 9 at 10, County

Court of Lancashire, at Liverpool.—*Edward Parker*, Liverpool, commission agent, May 9 at 10, County Court of Lancashire, at Liverpool.—*Thomas Maddocks*, Liverpool, ale and porter agent, May 9 at 10, County Court of Lancashire, at Liverpool.—*Thomas Hessegrave*, Liverpool, land surveyor, May 9 at 10, County Court of Lancashire, at Liverpool.—*Henry White*, Leicester, carver, May 11 at 10, County Court of Leicestershire, at Leicester.—*Thomas Stannage*, Leicester, cordwainer, May 11 at 10, County Court of Leicestershire, at Leicester.—*William Young*, King's Lynn, Norfolk, licensed victualler, May 11 at 9, County Court of Norfolk, at King's Lynn.—*H. Read*, King's Lynn, Norfolk, licensed victualler, May 11 at 9, County Court of Norfolk, at King's Lynn.—*Edward Middleditch*, Maldon, Essex, miller, May 17 at 12, County Court of Essex, at Maldon.—*Henry Mellins*, Scarborough, Yorkshire, dealer in jet ornaments, May 18 at 10, County Court of Yorkshire, at Scarborough.—*James Gwyer*, Milkstone, near Rochdale, Lancashire, out of business, May 19 at 12, County Court of Lancashire, at Rochdale.—*Mary Pescod*, widow, Harting, Sussex, plumber, May 12 at 12, County Court of Sussex, at Midhurst.—*Wm. Boden*, Walsall, Staffordshire, out of business, May 13 at 10, County Court of Staffordshire, at Walsall.—*John Wilkins*, Walsall, Staffordshire, chain maker and coffee seller, May 13 at 10, County Court of Staffordshire, at Walsall.—*William Rutherford Cox*, Kingston-upon-Hull, licensed victualler, May 13 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Robert Green*, Ipswich, Suffolk, railway porter, May 13 at 10, County Court of Suffolk, at Ipswich.—*Geo. T. Shelton*, Ipswich, Suffolk, innkeeper, May 13 at 10, County Court of Suffolk, at Ipswich.—*Thomas Ager Baker*, Ipswich, Suffolk, butcher, May 13 at 10, County Court of Suffolk, at Ipswich.—*Alfred Dixon*, Witney, Oxfordshire, licensed brewer, May 18 at 12, County Court of Oxfordshire, at Witney.—*Bylan Hewes* the younger, Colchester, Essex, commission agent, May 16 at 12, County Court of Essex, at Colchester.—*Geo. Light* the younger, Aldingbourne, near Chichester, Sussex, horse dealer, May 11 at 11, County Court of Sussex, at Chichester.—*Wm. Phillips*, Synderford, Thorncomb, Devonshire, out of business, May 16 at 10, County Court of Devonshire, at Axminster.—*David Preston*, Batley, Yorkshire, joiner, May 10 at 10, County Court of Yorkshire, at Dewsbury.—*J. Carter*, Lymm, Cheshire, licensed victualler, May 6 at 10, County Court of Lancashire, at Warrington.—*Joseph Tollitt*, Warrington, Lancashire, fustian cutter, May 5 at 10, County Court of Lancashire, at Warrington.—*Edward Homfray*, Brace Meole, Shropshire, clerk, May 17 at 10, County Court of Shropshire, at Shrewsbury.—*Richard James*, Shrewsbury, Shropshire, labourer, May 17 at 10, County Court of Shropshire, at Shrewsbury.—*Plinton Clarkson*, Kingston-upon-Hull, dealer in hay, May 13 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Cowans*, North Blyth, Northumberland, butcher, May 13 at 10, County Court of Northumberland, at Morpeth.—*Henry Watson Kett*, Norwich, coal merchant, May 12 at 10, County Court of Norfolk, at Norwich Castle.—*Samuel Green*, Ipswich, Suffolk, railway guard, May 12 at 10, County Court of Norfolk, at Norwich Castle.—*Thomas Gudgeon*, Ampthill, Bedfordshire, butcher, May 11 at 1, County Court of Bedfordshire, at Ampthill.—*George Robinson*, Gateshead, Durham, out of business, May 18 at 10, County Court of Durham, at Gateshead.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, May 11 at 10.*

*Wm. Walker*, Yoxall, surgeon.

*At the County Court of Norfolk, at NORWICH, May 13.*

*Robert White*, Garboldisham, drover.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, May 13.*

*Henry H. Green*, Kingston-upon-Hull, licensed victualler.

*At the County Court of Devonshire, at EXETER, May 14 at 10.*

*Henry Willcocks*, Aveton Gifford, maltster.—*Mary Rawle*, widow, Linton, near Ilfracombe, washerwoman.—*Robt. Ellis*, Totnes, cordwainer.—*F. W. Paddon*, Eldad, Plymouth, clay merchant.

*At the County Court of Oxfordshire, at OXFORD, May 16 at 2.*

*Thomas Appleby, Nettlebed, shoemaker.—Thomas Cox, Newnham Murrien, farrier.—Oliver Washer, Oxford, shoemaker.*

*At the County Court of Sussex, at LEWES, May 17.*

*James A. Anderson, Brighton, tobaccoist.—John Bubb Gough, Preston Barracks, near Brighton, serjeant in the 17th Lancers.—Thomas Cotton, Lewes, out of business.*

#### MEETING.

*John Spencer, Stoke Golding, Leicestershire, hosier, May 19 at 12, at Cowdell's, jun., Hinckley, Leicestershire, sp. aff.*

### TUESDAY, MAY 3.

#### BANKRUPTS.

**JOHN HENDERSON and CHRISTOPHER NANSON**, Windsor-terrace, Vauxhall-road, Pimlico, Middlesex, cabinet makers and upholsterers, May 12 at half-past 11, and June 17 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Baylis, 22, Redcross-street, London.—Petition filed April 25.

**DONALD MACFIE**, Edgeware-road, Middlesex, draper, May 9 at 2, and June 25 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Lawrence, 12, Bread-street, Cheapside.—Petition dated April 30.

**HENRY CHARLES LARKAN**, Silver-street and King-street, Greenwich, Kent, coffee-house keeper and retailer of beer, May 11 at 1, and June 21 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Carttar, Greenwich.—Petition filed May 3.

**WILLIAM STILES**, Stratford-upon-Avon, out of business, late of Shottery, Old Stratford, Warwickshire, maltster, hop dealer, dealer and chapman, May 11 and June 1 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Lane, Stratford-upon-Avon; Hodgson, Birmingham.—Petition dated April 26.

**WILLIAM WOODYATT**, Witton, near Northwich, joiner and builder, and Marston, Cheshire, rock-salt proprietor, dealer and chapman, May 17 and June 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Holland & Green, Northwich.—Petition filed April 30.

**HENRY CARRINGTON**, Mile-end, near Stockport, Cheshire, nurseryman and seedsman, May 26 and June 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Cobbett, Manchester.—Petition filed April 28.

#### MEETINGS.

*John Wells, Bold-place, Marlborough-road, Queen's-road, Dalston, Middlesex, builder, May 20 at 11, Court of Bankruptcy, London, last ex.—Henry Prior and Henry Atkinson, Wood-street, London, Manchester warehousemen, May 20 at half-past 11, Court of Bankruptcy, London, last ex. and aud. ac.—A. Cohen, Houndsditch, London, wholesale clothier, May 20 at 10, Court of Bankruptcy, London, last ex.—H. Manning Morgan, Reading, Berkshire, shipowner, May 18 at 12, Court of Bankruptcy, London, last ex.—Edward Leeman, Church-row, Newington, Surrey, and Thos. K. Bryan, Old Swan Pier, Upper Thames-st., London, wharfingers, May 13 at 1, Court of Bankruptcy, London, aud. ac.—J. Hunter the younger, Barge-yard, Bucklersbury, London, merchant, May 13 at 1, Court of Bankruptcy, London, aud. ac.—R. S. Meeson, John Meeson, and Edward Meeson, Stratford, Essex, coal merchants, May 13 at half-past 12, Court of Bankruptcy, London, aud. ac.—George Kebble, Hurst, Berkshire, farmer, May 18 at 12, Court of Bankruptcy, London, aud. ac.—R. Derham, Leeds, Yorkshire, and Waller Alan Hinde and Jas. Derham, Dolphinholme, Lancashire, worsted spinners, May 23 at 11, District Court of Bankruptcy, Leeds, aud. ac.; May 24 at 11, div.—Robert Edward Alison and William L. Camberley, New Broad-street, London, and Valparaiso, Chili, merchants, May 24 at half-past 1, Court of Bankruptcy, London, div.—Wm. Cox Buchanan, Dursley, Gloucestershire, money scrivener, May 27 at 11, District Court of Bankruptcy, Bristol, fin. div.—Thomas William Baker, West Derby, Walton-on-the-Hill, and Liverpool, Lancashire, tobaccoist, May 24 at 11, District Court of Bankruptcy, Liverpool, div.—William Caldwell, Shevington, Lancashire, coal proprietor, May 25 at 11, District Court of Bankruptcy, Liverpool, div.*

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Joseph Dunthorn, Broadwall, Christchurch, Blackfriars-road, Surrey, corn dealer, May 24 at half-past 1, Court of Bankruptcy, London.—Henry Simmonds, Ore, Sussex, brick-maker, May 24 at 12, Court of Bankruptcy, London.—F. Young, Union-place, Walworth-road, Surrey, draper, May 24 at 1, Court of Bankruptcy, London.—Charles Lane, Hastings, Sussex, plumber, May 26 at 2, Court of Bankruptcy, London.—Jas. R. Hunt, Great Marlow, Buckinghamshire, tailor, May 26 at half-past 11, Court of Bankruptcy, London.—Benj. James and Thomas G. Hardie, Newport, Monmouthshire, builders, May 25 at 11, District Court of Bankruptcy, Bristol.—John Nield, Lees, near Oldham, Lancashire, woollen manufacturer, May 28 at 12, District Court of Bankruptcy, Manchester.*

*To be granted, unless an Appeal be duly entered.*

*George Kebble, Hurst, Berkshire, farmer.—Wm. Williams and Robert M. Marchant, Great George-street, Westminster, Middlesex; Liverpool, Lancashire; and Campden, Gloucestershire, contractors.—George Lester, High-street, Poplar, Middlesex, builder.—Alfred Bunnett, Bridgehouse-place, Newington-causeway, Surrey, window-blind manufacturer.—Thos. Butler Miller and Wm. Miller, Henstridge-villas, St. John's-wood, Middlesex, builders.*

#### PARTNERSHIP DISSOLVED.

*William Wood and Reginald A. Parker, Liverpool, attorneys-at-law and solicitors.*

#### SCOTCH SEQUESTRATION.

*John Burt, Old Monkland, Lanarkshire, grocer.*

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Biddle, Birmingham, baker, May 14 at 10, County Court of Warwickshire, at Birmingham.—Maurice Myers, Birmingham, victualler, May 14 at 10, County Court of Warwickshire, at Birmingham.—Josiah Jackson, Birmingham, machinist, May 14 at 10, County Court of Warwickshire, at Birmingham.—Simeon Challenger, West Bromwich, Staffordshire, miner, May 28 at 10, County Court of Warwickshire, at Birmingham.—Joseph Godwin, Birmingham, brassfounder, May 28 at 10, County Court of Warwickshire, at Birmingham.—John William P. Prior, Tunbridge Wells, Tunbridge, Kent, coachmaker, May 19 at 10, County Court of Kent, at Tunbridge Wells.—J. Matthewson, Cowpen Quay, Northumberland, grocer, May 20 at half-past 10, County Court of Northumberland, at North Shields.—Wm. Hopkins, Bisleigh, Gloucestershire, farmer, May 25 at 11, County Court of Gloucestershire, at Stroud.—John Henly, Arundel, Sussex, timber merchant, May 14 at 10, County Court of Sussex, at Arundel.—John Wainwright, Tipton, Staffordshire, huckster, May 20 at 9, County Court of Worcestershire, at Dudley.*

*Saturday, April 30.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Richard William Webb, Loughborough-road, Brixton, Surrey, attorney-at-law, No. 63,451 T.; J. Christian Boode, assignee.—Henry Crosby, Gravesend, Kent, out of business, No. 76,226 C.; Charles Wynne Davies and Henry Hack, assignees.—Robert Barlow, Liverpool, watch manufacturer, No. 75,454 C.; George Humphreys, assignee.—S. Beckett, Macclesfield, Cheshire, out of business, No. 76,304 C.; Jas. Hampson Gartside, assignee.—Thos. Hughes, Northgate-st., Cheshire, grocer, No. 76,353 C.; Daniel Jones the younger, assignee.—Thomas Collin, Melton Mowbray, Leicestershire, farmer, No. 76,023 C.; W. Clark and Jos. Collin, assignees.—Wm. Williams, Llantarnham, Monmouthshire, labourer, No. 67,863 C.; John Williams, new assignee, J. G. H. Owen, late assignee, removed.*

*Saturday, April 30.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Chas. Pinsent, Queen's-terrace, St. John's-wood, Middle-*

sex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Reuben Henry Williams*, Paragon-place, New Kent-road, Surrey, cowkeeper: in the Queen's Prison.—*John Henry Mandeville*, Rupert-st., Haymarket, Middlesex, stock jobber: in the Debtors Prison for London and Middlesex.—*Wm. Taylor Calf*, Hounslow, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*William Newton*, Arbour-square, Stepney, Middlesex, secretary to an assurance company: in the Debtors Prison for London and Middlesex.—*Alon. Sandeman*, White Hart-court, Lombard-st., City, accountant: in the Debtors Prison for London and Middlesex.—*Robert Davis*, Westminster-bridge-road, Surrey, manager to an umbrella manufacturer: in the Queen's Prison.—*Frederick Annesley*, Gerrard-st., Soho, Middlesex, in no profession: in the Queen's Prison.—*Henry Wm. Robinson*, Bayham-st., Camden-town, Middlesex, omnibus conductor: in the Debtors Prison for London and Middlesex.—*J. Curtis*, Marylebone-lane, Marylebone, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*S. T. Scott*, Harp-alley, Farringdon-st., City, shoemaker: in the Debtors Prison for London and Middlesex.—*Isaac Barnett*, Napier-st., Ashley-terrace, City-road, Middlesex, watch manufacturer: in the Debtors Prison for London and Middlesex.—*William Milner Harker*, Aske-terrace, Hoxton-square, Hoxton, Middlesex, manager to a carrier: in the Debtors Prison for London and Middlesex.—*John Purvis*, Golden-lane, St. Luke's, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Samuel Rumball*, Stamford-hill, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*Henry Edgerley*, Leadenhall-st., City, in no business: in the Debtors Prison for London and Middlesex.—*Geo. Blackgrove*, Hand-court, Holborn, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Thos. Abbott Fountain*, Hertford, tailor: in the Gaol of Hertford.—*Thomas Cox*, Newnham Murrein, Oxfordshire, farrier: in the Gaol of Oxford.—*William Woffenden*, Huddersfield, Yorkshire, fancy waistcoat manufacturer: in the Gaol of York.—*Samuel Liveridge*, Hall Bower, near Huddersfield, Yorkshire, fancy waistcoat manufacturer: in the Gaol of York.—*Thos. Chapman*, Birmingham, grocer: in the Gaol of Warwick.—*Wm. Harwood*, Manchester, scale-board cutter: in the Gaol of Lancaster.—*Samuel Braddock*, Manchester, retail beer-seller: in the Gaol of Lancaster.—*Edward Morgan*, Dowlais, Glamorganshire, grocer: in the Gaol of Cardiff.—*George Wilde*, Merthyr Tydvil, Glamorganshire, pawnbroker and clothier: in the Gaol of Cardiff.—*William Taunt*, Birmingham, carpenter: in the Gaol of Coventry.—*Thomas Kidd*, Leeds, Yorkshire, butcher: in the Gaol of York.—*George Armitage*, Bradford, Yorkshire, clogger: in the Gaol of York.—*J. M' Cormick*, Manchester, provision-shop keeper: in the Gaol of Lancaster.—*Henry Foster*, Bolton-le-Moors, Lancashire, joiner: in the Gaol of Lancaster.—*Levi Longworth*, Prestoloe Outwood, near Bolton-le-Moors, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*Robert Ruby*, Walton-le-Dale, near Preston, Lancashire, commission agent: in the Gaol of Lancaster.—*Alexander Lawson Syers*, Boughton, near Chester, commission agent: in the Gaol of Lancaster.—*John Sadler*, Liverpool, licensed victualler: in the Gaol of Lancaster.—*W. A. Birch*, Dover, Kent, student of music: in the Gaol of Dover.—*George Chappell*, Marsh, near Huddersfield, Yorkshire, stonemason: in the Gaol of York.—*John Crompton*, Ferrybridge, near Pontefract, Yorkshire, grocer: in the Gaol of York.—*James Eversson*, Tollgavel, Beverley, Yorkshire, printer: in the Gaol of York.—*Henry Foster*, Leeds, Yorkshire, provision dealer: in the Gaol of York.—*Matthew Goodall*, Heckmondwike, Yorkshire, blanket manufacturer: in the Gaol of York.—*William M' Taggart*, Bradford, Yorkshire, grocer: in the Gaol of York.—*Samuel Norcliffe*, Goring House, near Wakefield, Yorkshire, licensed victualler: in the Gaol of York.—*Wm. Sugden*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Abram Wrigley*, Saddleworth, Yorkshire, clothier: in the Gaol of York.—*Richard Gray*, Scholes, Wigan, Lancashire, grocer: in the Gaol of Lancaster.—*Henry Owen*, Bangor, Carnarvonshire, saddler: in the Gaol of Carnarvon.—*James Davenport*, Market Drayton, Shropshire, grocer: in the Gaol of Shrewsbury.—*Edwin Bolton*, Shircoat, near Halifax, Yorkshire, innkeeper: in the Gaol of York.—*J. Naylor*, Huddersfield, Yorkshire, whitesmith: in the Gaol of York.—*William Webster* the elder, Horsforth, near Leeds, Yorkshire, butcher: in the Gaol of York.—*James Dawson*,

Birtle-cum-Bamford, near Bury, Lancashire, engineer: in the Gaol of Lancaster.—*Lawrence Place*, Pendleton, Salford, Lancashire, blacksmith: in the Gaol of Lancaster.—*Joseph Roiley*, Blackburn, Lancashire, professor of music: in the Gaol of Lancaster.—*Jackson Sharp*, Liverpool, butcher: in the Gaol of Lancaster.—*Edward Chittenden*, Upper Higham, Kent, miller: in the Gaol of Maidstone.—*David Nelson*, Birmingham, physician: in the Gaol of Warwick.—*John Roblin*, Prendergast, Haverfordwest, dealer in fruit: in the Gaol of Haverfordwest.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Glamorganshire, at CARDIFF, May 14:*

*George Wilde*, Merthyr Tydvil, pawnbroker.

*At the County Court of Shropshire, at SHREWSBURY, May 17 at 10.*

*James Davenport*, Market Drayton, out of business.

*At the County Court of Kent, at DOVER, May 18 at 10.*

*Wm. A. Birch*, Dover, student of music.

*At the County Court of Warwickshire, at WARWICK, May 18 at 10.*

*Henry Jackman*, Birmingham, builder.—*Joseph Francis Peplow*, Birmingham, tobacconist.—*Hannah Walshaw*, Birmingham, out of business.—*Thomas Chapman*, Birmingham, out of business.

*At the County Court of Carnarvonshire, at CARNARVON, May 19.*

*Henry Owen*, Bangor, saddler.

*At the County Court of Wiltshire, at SALISBURY, May 21 at 11.*

*Edward Oakley*, Downton, chemist.

#### MEETING.

*John House*, Beaminster, Dorsetshire, labourer, May 19 at 12, Fox's, Beaminster, sp. aff.

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# The Jurist

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LONDON, MAY 14, 1853.

We are not in general great grievance-mongers in this journal, but there is a grievance to the removal of which we must lend our aid, viz. the sitting of the Courts of Equity at Westminster during the Spring and Summer Terms. The evidence taken by a Committee of the House of Commons in 1845, on the subject of a concentration of the courts and offices in the neighbourhood of the Inns of Court, is filled with statements made by judges, by King's counsel, by junior counsel, and by solicitors, all tending to one conclusion—that the sitting of any Courts at Westminster produces inconvenience and loss of time; and that as to the Courts of Equity, the loss of time to the solicitors, to the draftsmen, and even to the majority of the King's counsel, is enormous.

Take Lord Cottenham's evidence, (Q. 434 et seq.):—

"Will your Lordship allow the Committee to ask you, has your attention been directed to the convenience or inconvenience of the Courts sitting at Westminster during term?—I have no difficulty in saying that it is extremely inconvenient; inconvenient both to practitioners at the bar and to solicitors.

"Whilst at the bar, your Lordship was in considerable practice as a draftsman?—I was.

"You felt that inconvenience to a great extent?—To a very great extent; many entire days are lost to the junior members of the Bar, who have no great portion of (court) business, by necessarily attending at Westminster while the Court is sitting, for the chance

of a case in which they are engaged coming on, and the whole morning is lost.

"They cannot, therefore, prepare their pleadings in proper time?—They are necessarily prevented doing any business during that morning.

"That is very injurious to their clients?—It must be so; it delays the proceedings which would otherwise be going on in the chambers of those gentlemen.

"Will your Lordship have the goodness to inform the Committee whether to practising barristers great inconvenience does not arise from their inability to attend the Master's office during term, in consequence of the sitting of the Courts at Westminster?—It certainly does. In my own practice, when I was in that branch of the Profession, before I had a silk gown, difficulties occurred in attendance before the Master; sometimes one barrister and sometimes the other was unable to attend, by being engaged in court, and consequently the appointment before the Master could not take place."

Again: take Master Farrer's evidence, (Q. 940):—

"Has your attention been directed to the question of the convenience or inconvenience of the present situation of the Courts of Law and Equity at Westminster?—Ever since I was at the bar it has been a subject of conversation and complaint. Undoubtedly, when the Courts are sitting at Westminster, and barristers are at Lincoln's-inn or the Temple, it is attended with great inconvenience."

And we may add, that it was proved by numerous witnesses that the preparation of equity pleadings, and the proceedings on those references to the Masters



which require counsel's attendance, are nearly wholly *suspended* during the sittings of the Courts at Westminster.

All these inconveniences are now doubly felt, because, in addition to a certain number of Masters sitting at Lincoln's-inn, there are now sitting there, during as well as out of term, the judges' chief clerks, and occasionally the judges themselves. It is not many days ago that a cause was decided in the Court of Appeal in the absence of counsel for some of the parties, because that counsel was engaged at Lincoln's-inn before a judge in chambers in the early part of the day. Another inconvenience, we will not say absolutely inseparable from sitting at Westminster, but practically and actually connected with it, is, that from the want of books, cases cannot be as well argued as they can when counsel have the command of their libraries. Another is, the absolute impossibility, to a draftsman at least, of doing any business except court business. There are few junior counsel who have not tried, while waiting for their causes to come on, to read or to settle drafts, and there are few who have not given it up in despair; the incessant interruption, the noise, the running to and fro of suitors, solicitors, and counsel, and last, but not least, the indisposition to quiet and patient thought with which the whole tone of a court impresses the minds of those who are on its floor, all prevent men from doing any effective business except that of the cause they may happen to be in. To all, therefore, except those who are fully engaged in causes all day long—that is, to all except about half a dozen Queen's counsel—there is a vast loss of time.

It is scarcely necessary to say that the waste of time to the solicitors, who must be waiting at Westminster when they ought to be working in judges' chambers at Lincoln's-inn, is quite as great and quite as onerous. Nor is it necessary to point out, that in such matters the loss of the counsel and solicitor is the loss of the suitor. It is obvious, that if drawing pleadings and working out orders in judges' chambers are at a standstill or much delayed during term, the termination of suits is *pro tanto* delayed. And now that delay is proved to have been the master grievance of Chancery business, we do trust that so fertile a source of it will be abolished. The desired improvement is not, like many others, difficult of attainment; it requires no act of Parliament, no consideration of General Orders—nothing of difficulty attends it at all; it requires but the direction of the Lord Chancellor that the sittings shall be at Lincoln's-inn, and at Lincoln's-inn they would be.

—

We return again to the subject of the impending legislation concerning charitable trusts. Having obtained a copy of the proposed bill, we present here a summary of its enactments as at present framed, classifying them in the order in which they occur in the bill.

We have already drawn attention (*ante*, pp. 113, 130) to a book on public education, by Sir James Kay Shuttleworth, which was published about the time of the Government announcement.

This work contains an interesting chapter on the subject of charitable endowments. A large proportion

of these were originally destined for educational purposes, and it is contemplated that if there existed an extended power of modifying, at small expense, those other trusts which are at present useless or injurious, they might with the greatest advantage be diverted into this channel. After detailing in a striking manner the numbers of the English charities, their nature, the neglect, waste, and other various evils to which they are subject, with the practical impossibility, in most cases, of finding a remedy in the present state of the jurisdiction, and the ruinous expense of such a remedy under any circumstances; and after pointing out also the abuse of the almost uncontrolled power of litigation which every one now possesses at the expense of charities, and the utter absence of an efficient control over their administration for the prevention of the evils, for which the present system affords no cure; the work to which we allude proceeds to develop a measure for the future administrative and judicial government of charities, which corresponds in its main features with the ministerial scheme.

There are, however, some distinctions between the two plans which deserve consideration.

The chief characteristic of the new measure is the distinction made between the administrative and what may be called the contentious jurisdiction respecting charities; in other words, between those matters which do not so much require legal knowledge for their decision—such, for example, as the expediency of granting leases or opening mines in charity property—and those which can only be determined by a judge, as questions of adverse title, the construction of statutes, deeds, wills, &c.

The Court of Chancery, as we observed in a former paper on this subject, has no means of preventing the occurrence of the evils incident to charities; even if unassisted, its jurisdiction could be so modified as to afford a cheap and ready remedy for them when known to exist. These considerations have obviously suggested the plan of giving into other hands the duty of watching over the administration of charities, and assisting them in all those matters of management which do not require the special knowledge of a lawyer. This can only be done by the creation of some sufficiently responsible central body, having the means of continually inspecting the condition of charities.

It is proposed, then, by the Charities Bill just introduced by the Lord Chancellor, to constitute a Board of Public Charities, to be represented by the Lord President and the Lord Chancellor in the House of Lords, and the Chancellor of the Exchequer and a Secretary of State in the House of Commons, and to have two legal members, and as secretary a barrister of not less than seven years' standing; such board to appoint two or more inspectors, being barristers of not less than seven years' standing; and to have power to frame general minutes for the regulation of their proceedings under the act, which are from time to time to be laid before Parliament. The board are to have authority to inquire into the nature, objects, property, and management of all charities in England and Wales, and to cause examinations concerning these matters to be made by their inspectors, who for this purpose are to have access to all documents, and power to take evidence on oath from

all persons, except those claiming property adversely to charities.

The board, on receiving applications for that purpose, may advise trustees and others respecting charities and their management, subject to any subsequent judicial order, and persons acting on such advice are to be indemnified.

Previous notice in writing of any intended suit or other proceeding concerning a charity is to be given to the board by any person except the Attorney-General; and the board may, by their certificate, authorise such suit or proceeding, and impose conditions for the protection or benefit of the charity; but without such certificate no such suit or proceeding is to be instituted.

They are also to be empowered to direct suits to be commenced, where it may appear necessary, on the report of the inspector, without such notice having been previously given by any intended suitor.

By these means it is proposed to establish a control over the administration, and to check the ignorant or unprincipled litigations to which charities are now often subjected.

In certain questions of management the committee are to have absolute authority. Such are, authorising building and other leases not contemplated by the trusts, or in like manner sanctioning the opening and working mines and quarries, altering, rebuilding, or removing houses, and making other similar improvements in charity property. They are also to have power to sanction the compromise of claims on behalf of charities, and advantageous sales or exchanges of charity lands, and the redemption of rent-charges; and trustees following their directions in these cases are to be held harmless.

It is next proposed that this committee should, in certain specified cases, have power to frame and approve schemes modifying the objects of charitable trusts, subject to the check of the necessity of previously inserting advertisements in two successive weeks in a local newspaper, the last to be inserted a month before the committee approve the scheme, in such manner as to give the fullest opportunity to persons interested to consider the proposed new scheme, and to transmit objections to it to the secretary; and subject also to a proviso, which is of great importance, viz. that every such scheme, after being approved by the board and by the majority of the trustees, shall be laid before both Houses of Parliament three months before it is to come into effect, and shall be liable within that time to be suspended by a resolution of either House; but a special act of Parliament is made necessary to authorise any scheme which is not approved by the trustees of the particular charity.

With respect to judicial proceedings, questions of title to real or personal property, claimed adversely to charities, will be left to be decided in the present mode, as matters not proper to be submitted by summary proceedings for adjudication.

The expensiveness of Chancery proceedings, which occasions an absolute denial of justice to charities whose incomes do not exceed 30*l.* a year, has next to be dealt with. Sir James Kay Shuttleworth proposes to appoint judges in charity, who should travel on circuits, and determine locally all questions which arise,

aided by the inspectors preparing the necessary evidence of the facts in certain cases. The Government scheme, however, is, to make use of existing machinery; and as to all charities above 30*l.* a year, and all charities whatever in the city of London, to give to the Master of the Rolls or one of the Vice-Chancellors sitting at chambers, without any information, bill, or petition, the same jurisdiction as the Court of Chancery and the Lord Chancellor in lunacy now have, with the power of directing matters to be heard in open court, and the other powers concerning their chamber practice conferred by the 15 & 16 Vict. c. 80. The orders to be made at chambers are not to be subject to appeal in the case of charities whose annual income does not exceed 100*l.* The judge is to have authority to direct a proceeding, by information, &c., where he may see fit.

In the case of charities under 30*l.* a year, a like jurisdiction is given to the county courts, provided that they shall not have authority to vary orders of the Court of Chancery; and where two or more county courts have a concurrent jurisdiction, the board are to direct to which of them the application is to be made. The board, moreover, may direct in any case that the application shall be made to the Court of Chancery instead of the county court. The jurisdiction of the county courts is placed, to a great extent, under the control of the board. No order of a county court for the appointment of new trustees, or approving a scheme, is to be valid if disapproved within a month after the receipt of a copy thereof by the board. Moreover, if dissatisfied with such order, the board may remit the same to the county court for reconsideration, or may direct the matter to be laid before a judge in Chancery, before or after such reconsideration. Any party aggrieved by an order of a county court must give notice in writing of his desire to appeal, to the county court, and also to the board, within a month after the order; and thereupon, if the board permit, the county court may authorise him to appeal, and the board may require him to become bound with sureties to answer costs; but the Attorney-General may appeal at any time within three months, and without notice; the appeal to lie to the Court of Chancery, and to be commenced by petition within three months after the order.

These are the principal heads of the Government measure, so far as they can be detailed in a rapid and concise summary. Due provision is made for the publicity of proposed new schemes. The special rights of religious communities are reserved; and a proposal worthy of particular notice is the appointment of the secretary to be a treasurer of charities, and the constituting him for this purpose a corporation sole, by the name of "The Treasurer of Public Charities," to have perpetual succession, and be impleaded, and to take and transmit real and personal property belonging to charities, in certain cases, as a bare trustee.

It remains only to notice, that the persons authorised to institute proceedings in respect of a charity, with the sanction of the board, are one or more of the trustees or persons administering or interested in the charity, or any two inhabitants of the parish or place within which the charity is applicable, or, of course, the Attorney-General, to whom also is reserved liberty to pe-

tition the Court of Chancery, under the 52 Geo. 3, c. 101.

We have only space now for a few remarks upon the main features of this scheme, of which the chief is the authority proposed to be given to the Board of Public Charities. The principle of the constitution of this board, who are to watch over the administration of charities, to prevent and discover abuses, and to exercise the other functions which we have mentioned, cannot fail, we think, to meet with general approbation.

A body so composed is placed at a safe height above the influence of interest or other base motives, and is further secured against aberration by the Argus-like watching of both Houses of Parliament, in either of which its representatives may at any time be called to account for its proceedings. The common objection to centralisation does not at all apply to such a board. In the first place, there is now, and has always been, a central authority empowered to take care of charity matters; and the reason for this supervision has been expressly because no local guardians of these interests exist. So that not only is the establishment of this board no novel offence against a principle of social economy, but there is not in this case any such principle to be offended. The just objection to centralisation is its tendency to occasion a paralysis of local action, and that it is therefore contrary to the spirit of those institutions which have taught the English, before all people in the world, the difficult art of governing themselves. But in the case of charities there is no local energy to be affected. They are seldom or never in the hands of municipal bodies, at the same time interested and able to insure their just and efficient administration. Charities are commonly vested in trustees, who have not the interest which communities have in the well-being of those for whom the benefit is intended, and who have no stronger checks than such as conscience may afford to prevent them from neglecting, perverting, or even embezzling the subject of their trust.

With respect to the actual constitution of the board, there will probably be a difference of opinion. Sir James Kay Shuttleworth's proposal differs in this respect from the scheme of the bill. His book contemplates that the central powers shall be vested in a Committee of the Privy Council, analogous to, and in some degree allied with, the Educational Committee, which has been found to work so efficiently, and which, in fact, follows in its organisation the earlier precedent of the Board of Trade. The Government scheme differs in associating two legal persons not privy councillors, which alters the nature of the committee at once, and, by making it not simply a section of the Privy Council, certainly deprives it of some dignity and authority, and occasions some risk that the representatives of the board in Parliament may not be the persons best informed of the proceedings of the board.

We miss also another proposal of the work on this subject, which seems to us admirably calculated to save expense in judicial proceedings under the new system. We refer to the power which the plan detailed in the book would give to judges, in certain cases, to decide on the facts reported by the charity inspectors.

Carefully guarded, by giving ample authority to the judge in such cases to require additional evidence, and to other persons to tender themselves as *viva voce* witnesses, this seems a mode of diminishing the expense of charity suits to which no valid objection can be made.

#### REGULA GENERALIS.

On the 10th February, 1853, copies of the following Rules, Orders, and Regulations were laid before the House of Lords by Lord Campbell, C. J., and before the House of Commons by Sir A. J. E. Cockburn, Attorney-General:—

RULES, ORDERS, AND REGULATIONS AS TO PLEADING, MADE BY THE JUDGES IN PURSUANCE OF THE COMMON-LAW PROCEDURE ACT.

#### HILARY TERM, 1853.

Whereas, pursuant to the provisions of the statute passed in the session of Parliament held in the third and fourth years of the reign of his late Majesty King William IV, intituled "An Act for the further Amendment of the Law and the better Advancement of Justice," the Judges of the Superior Courts of Common Law at Westminster made certain rules, orders, and regulations as to the mode of pleading, and other matters in the said act mentioned, which said rules, orders, and regulations were duly laid before both Houses of Parliament, as required by that statute, and came into effect and operation respectively on the first day of Easter Term, in the year of our Lord 1834, and the first day of Michaelmas Term, in the year of our Lord 1838:

And whereas it is provided by the Common-law Procedure Act, 1852, that it should be lawful for the Judges of the Courts of Common Law at Westminster, or any eight or more of them, of whom the chiefs of each of the said courts should be three, from time to time to make all such general rules and orders for the effectual execution of that act, and of the intention and object thereof, and for fixing the costs to be allowed for and in respect of the matters therein contained, and the performance thereof, and for apportioning the costs of issues, and for other purposes mentioned in the said act, as in their judgment should be necessary or proper; and to exercise all the powers and authority given to them by an act of Parliament passed in the session of Parliament held in the thirteenth and fourteenth years of the reign of her present Majesty, intituled "An Act to enable the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading," with respect to any matter therein contained relative to practice or pleading; and the provisions of the said last-mentioned act, as to the rules, orders, or regulations made in pursuance thereof, should be held applicable to any rules, orders, or regulations which should be made in pursuance of the said Common-law Procedure Act, 1852:

And whereas, by the said act passed in the session of Parliament held in the thirteenth and fourteenth years of the reign of her present Majesty, powers were given to the Judges of the Courts of Common Law at Westminster, by rules and orders, to make alterations in the forms of pleading in the said courts, and respecting other matters in that act mentioned; and it was enacted, that all such rules, orders, or regulations should be laid before both Houses of Parliament, in manner directed by the said act; and that no such rule, order, or regulation should have effect until three months after the same should have been so laid before both Houses of Parliament; and that any rule, order, or regulation so made should from and after such time aforesaid be bind-

ing and obligatory on the said courts, and all other Courts of Common Law, and on all Courts of Error, and be of like force and effect as if the provisions contained therein had been expressly enacted by Parliament:

And whereas it is expedient, for the effectual execution of the said Common-law Procedure Act, 1852, that the said rules, orders, and regulations, respectively made in pursuance of the said statute passed in the session of Parliament held in the third and fourth years of the reign of his late Majesty King William IV, should be repealed, and that other rules, orders, and regulations should be framed in lieu thereof:

It is therefore ordered, that from and after the first day of Trinity Term next inclusive, unless Parliament shall in the meantime otherwise enact, the said rules, orders, and regulations, made respectively in pursuance of the said statute passed in the session of Parliament held in the third and fourth years of the reign of his late Majesty King William IV, shall be and are hereby repealed, excepting so far as the same or any of them are necessary or applicable to any pleadings, proceedings, or other matters to which they relate, had or taken previous to the said first day of Trinity Term next; and the following Rules, Orders, and Regulations shall be in force; that is to say—

1. Except as hereinafter provided, several counts on the same cause of action shall not be allowed, and any count or counts used in violation of this rule may, on the application of the party objecting, within a reasonable time, or before an order made for time to plead, be struck out or amended by the court or a judge, on such terms, as to costs or otherwise, as such court or judge may think fit.

2. Several pleas, replications, or subsequent pleadings, or several avowries or cognisances founded on the same ground of answer or defence, shall not be allowed: provided, that on application to the court or a judge to strike out any count, or on an objection taken before the judge on a summons to plead several matters to the allowance of several pleas, replications, or subsequent pleadings, avowries, or cognisances, on the ground of such counts or other pleadings being in violation of this rule, the court or the judge may allow such counts on the same cause of action, or such pleas, replications, or subsequent pleadings, or such avowries or cognisances founded on the same ground of answer or defence, as may appear to such court or judge to be proper for the determining the real question in controversy between the parties on its merits, subject to such terms, as to costs and otherwise, as the court or judge may think fit.

3. When no such rule or order has been made as to costs by the court or judge, and on the trial there is more than one count, plea, replication, or subsequent pleading, avowry, or cognisance on the record, founded on the same cause of action or ground of answer or defence, and the judge or presiding officer before whom the cause is tried shall at the trial certify to that effect on the record, the party so pleading shall be liable to the opposite party for all costs occasioned by such count, plea, or other pleading in respect of which he has failed to establish a distinct cause of action or distinct ground of answer or defence, including those of the evidence as well as those of the pleading.

4. The name of a county shall in all cases be stated in the margin of a declaration, and shall be taken to be the venue intended by the plaintiff, and no venue shall be stated in the body of the declaration, or in any subsequent pleading.

Provided, that in cases where local description is now required, such local description shall be given.

5. In all actions by and against assignees of a bankrupt or insolvent, or executors or administrators, or persons authorised by act of Parliament to sue or be

sued as nominal parties, the character in which the plaintiff or defendant is stated on the record to sue or be sued shall not in any case be considered as in issue, unless specially denied.

6. In all actions on simple contract, except as hereinafter excepted, the plea of non assumpsit, or a plea traversing the contract or agreement alleged in the declaration, shall operate only as a denial in fact of the express contract, promise, or agreement alleged, or of the matters of fact from which the contract, promise, or agreement alleged may be implied by law.

*Exempli gratia.* In an action on a warranty, such pleas will operate as a denial of the fact of the sale and warranty having been given, but not of the breach; and, in an action on a policy of insurance, of the subscription to the alleged policy by the defendant, but not of the interest, of the commencement of the risk, of the loss, or of the alleged compliance with warranties.

In actions against carriers and other bailees for not delivering or not keeping goods safe, or not returning them on request, and in actions against agents for not accounting, such pleas will operate as a denial of any express or implied contract to the effect alleged in the declaration, but not of the breach.

To causes of action to which the plea of "never was indebted" is applicable, as provided in Schedule B. (36) of the Common-law Procedure Act, 1852, and to those of a like nature, the plea of non assumpsit shall be inadmissible, and the plea of "never was indebted" will operate as a denial of those matters of fact from which the liability of the defendant arises: *exempli gratia*, in actions for goods bargained and sold, or sold and delivered, the plea will operate as a denial of the bargain and sale, or sale and delivery, in point of fact; in the like action for money had and received it will operate as a denial both of the receipt of money and the existence of those facts which make such receipt by the defendant a receipt to the use of the plaintiff.

7. In all actions upon bills of exchange and promissory notes, the plea of "non assumpsit" and "never indebted" shall be inadmissible. In such actions, therefore, a plea in denial must traverse some matter of fact: *exempli gratia*, the drawing, or making, or indorsing, or accepting, or presenting, or notice of dishonour of the bill or note.

8. In every species of actions on contract all matters in confession and avoidance, including not only those by way of discharge, but those which shew the transaction to be either void or voidable in point of law, on the ground of fraud or otherwise, shall be specially pleaded: *exempli gratia*, infancy, coverture, release, payment, performance, illegality of consideration, either by statute or common law, drawing, indorsing, accepting, &c. bills or notes by way of accommodation, set-off, mutual credit, unseaworthiness, misrepresentation, concealment, deviation, and various other defences, must be pleaded.

9. In actions on policies of assurance the interest of the assured may be averred thus:—"That A., B., C., and D., [or some or one of them], were or was interested" &c. And it may also be averred, "that the insurance was made for the use and benefit and on the account of the person or persons so interested."

10. In actions on specialties and covenants, the plea of non est factum shall operate as a denial of the execution of the deed in point of fact only, and all other defences shall be specially pleaded, including matters which make the deed absolutely void, as well as those which make it voidable.

11. The plea of "nil debet" shall not be allowed in any action.

12. All matters in confession and avoidance shall be pleaded specially, as above directed in actions on simple contracts.

13. In any case in which the plaintiff (in order to avoid the expense of the plea of payment or set-off) shall have given credit in the particulars of his demand for any sum or sums of money therein admitted to have been paid to the plaintiff, or which the plaintiff admits the defendant is entitled to set off, it shall not be necessary for the defendant to plead the payment or set-off of such sum or sums of money.

But this rule is not to apply to cases where the plaintiff, after stating the amount of his demand, states that he seeks to recover a certain balance, without giving credit for any particular sum or sums, or to cases of set-off where the plaintiff does not state the particulars of such set-off.

14. Payment shall not in any case be allowed to be given in evidence in reduction of damages or debt, but shall be pleaded in bar.

15. In actions for detaining goods, the plea of non detinet shall operate as a denial of the detention of the goods by the defendant, but not of the plaintiff's property therein; and no other defence than such denial shall be admissible under that plea.

16. In actions for torts, the plea of not guilty shall operate as a denial only of the breach of duty or wrongful act alleged to have been committed by the defendant, and not of the facts stated in the inducement, and no other defence than such denial shall be admissible under that plea; all other pleas in denial shall take issue on some particular matter of fact alleged in the declaration.

*Exempli gratia.* In an action for a nuisance to the occupation of a house carrying on an offensive trade, the plea of not guilty will operate as a denial only that the defendant carried on the alleged trade in such a way as to be a nuisance to the occupation of the house, and will not operate as a denial to the plaintiff's occupation of the house.

In an action for obstructing a right of way, such plea will operate as a denial of the obstruction only, and not of the plaintiff's right of way.

In an action for slander of the plaintiff in his office, profession, or trade, the plea of not guilty will operate in denial of speaking the words, of speaking them maliciously, and in the defamatory sense imputed, and with reference to the plaintiff's office, profession, or trade, but it will not operate as a denial of the fact of the plaintiff holding the office or being of the profession or trade alleged.

In actions for an escape, it will operate as a denial of the neglect or default of the sheriff or his officers, but not of the debt, judgment, or preliminary proceedings.

In actions against a carrier, the plea of not guilty will operate as a denial of the loss or damage, but not of the receipt of the goods by the defendant as a carrier for hire, or of the purpose for which they were received.

17. All matters in confession and avoidance shall be pleaded specially, as in actions on contract.

18. In actions for trespass to land, the close or place in which &c. must be designated in the declaration by name or abutments or other description, in failure whereof the plaintiff may be ordered to amend, with costs, or give such particulars as the court or judge may think reasonable.

19. In actions for trespass to land, the plea of not guilty shall operate as a denial that the defendant committed the trespass alleged in the place mentioned, but not as a denial of the plaintiff's possession or right of possession of that place, which, if intended to be denied, must be traversed specially.

20. In actions for taking, damaging, or converting

the plaintiff's goods, the plea of not guilty shall operate as a denial of the defendant having committed the wrong alleged, by taking, damaging, or converting the goods mentioned, but not of the plaintiff's property therein.

21. In every case in which a defendant shall plead the general issue, intending to give the special matter in evidence, by virtue of an act of Parliament, he shall insert in the margin of the plea the words "by statute," together with the year or years of the reign in which the act or acts of Parliament upon which he relies for that purpose were passed, and also the chapter and section of each of such acts, and shall specify whether such acts are public or otherwise; otherwise such plea shall be taken not to have been pleaded by virtue of any act of Parliament; and such memorandum shall be inserted in the margin of the issue, and of the *nisi prius* record.

22. A plea containing a defence arising after the commencement of the action may be pleaded together with pleas of defences arising before the commencement of the action, provided that the plaintiff may confess such plea, and thereupon shall be entitled to the costs of the cause up to the time of the pleading of such first-mentioned plea.

23. When a plea is pleaded with an allegation that the matter of defence arose after the last pleading, the plaintiff shall be at liberty to confess such plea, and shall be entitled to the costs of the cause up to the time of pleading such plea: provided that this and the preceding rule shall not apply to the case of such plea pleaded by one or more only out of several defendants.

24. Courts of error may award a *repleader*, or direct a *trial de novo*.

25. The costs of proceeding in error shall be taxed and allowed as costs in the cause, and no double costs in error shall be allowed to either party.

26. On error from one of the superior courts such court shall have power to allow interest for such time as execution has been delayed by the proceedings in error, for the delaying thereof; and the Master, on taxing the costs, may compute such interest without any rule of court or order of a judge for that purpose.

27. In no case shall error be brought for any error in a judgment with respect to costs, but the error (if any) in that respect may be amended by the court in which such judgment may have been given, on the application of either party.

28. A person admitted to sue in forma pauperis shall not in any case be entitled to costs from the opposite party, unless by order of the court or a judge.

29. If a plaintiff in ejectment be nonsuited at the trial, the defendant shall be entitled to judgment for his costs of suit.

30. If the plaintiff in ejectment appear at the trial, and the defendant does not appear, the plaintiff shall be entitled to a verdict without producing any evidence, and shall have judgment for his costs of suit, as in other cases.

31. No entry or continuances, by way of imparlance, *curia advisari vult*, *vicecomes non misit breve*, or otherwise, shall be made upon any record or roll whatever, or in the pleadings.

32. All judgments, whether interlocutory or final, shall be entered of record of the day of the month and year, whether in term or vacation, when signed, and shall not have relation to any other day: provided that it shall be competent for the court or a judge to order a judgment to be entered *nunc pro tunc*.

CAMPBELL.	C. CRESSWELL.
JOHN JERVIS.	T. J. PLATT.
FRED. POLLOCK.	ED. VAUGHAN WILLIAMS.
E. H. ALDERSON.	T. N. TALFOURD.
J. T. COLERIDGE.	SAMUEL MARTIN.
W. H. MAULE.	CHARLES CROMPTON.

The foregoing Rules, Orders, and Regulations were laid before both Houses of Parliament, in pursuance of the act 13 & 14 Vict. c. 16, on the 10th day of February, 1853, and no alteration has been made therein by Parliament.

Dated this 10th day of May, 1853.

JOHN GEORGE SHAW LEFEVER,  
Dep. Cler. Parliamentor.

### London Gazette.

FRIDAY, MAY 6.

#### BANKRUPTS.

- JAMES WILLIAM HAVERS**, Judd-street, Brunswick-square, Middlesex, draper, dealer and chapman, April 23 and June 4 (and *not* May 4, as before advertised) at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Reed, 73, Coleman-street, City.—Petition dated April 19.
- ROBERT WOOD**, Commercial-place, near the Lime Kilns, Lewisham-road, Greenwich, Kent, cheesemonger, porkman, and poultryer, May 14 and July 1 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Tayler, 5, Farnival's-inn, Holborn.—Petition dated May 5.
- BENJAMIN COLLETT**, Sise-lane, London, and Hendon, Middlesex, dealer in mining and other shares, dealer and chapman, (now a prisoner in her Majesty's Prison, Surrey), May 14 at 1, and July 1 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Stronghill, 7, Coleman-st., City.—Petition dated April 23.
- WILLIAM MARTIN**, Hertford Bridge, Elvetham, Southampton, smith and ironmonger, dealer and chapman, May 16 at 1, and June 16 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sole. Bridger & Collins, King William-st., London-bridge.—Petition filed May 4.
- JOHN HONOUR CROUCHER**, Fonthill-place, Clapham-rise, Surrey, boarding-house keeper, trader, dealer and chapman, May 17 and June 14 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed May 2.
- AUGUSTUS RAPP**, Cranbourn-street, Middlesex, watch-maker and jeweller, May 13 at 2, and June 24 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Pahn, 5, Graham-street.—Petition filed May 3.
- THOMAS GLEDHILL**, Halifax, Yorkshire, tailor and draper, dealer and chapman, May 24 and June 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Norris, Halifax; Bond & Barwick, Leeds.—Petition dated May 5.
- JONAS WOODHEAD and JOSEPH WOODHEAD**, Bradford, Yorkshire, file and fire-iron manufacturers, May 20 and June 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated May 3.
- MICHAEL COX**, Liverpool, grocer and provision dealer, dealer and chapman, May 13 and June 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Smith, 6, Corf's-buildings, Preeceon's-row.—Petition filed April 28.

#### MEETINGS.

*Robert Ferdinand Pries*, Crosby-hall-chambers, Bishopsgate-st. Within, London, merchant, May 16 at 11, Court of Bankruptcy, London, and. ac.; May 19 at half-past 1, pr. d.—*Christopher Greenfield*, Brighton, Sussex, chemist, May 16 at 11, Court of Bankruptcy, London, and. ac.—*R. Brennand*, Adde-st., Wood-st., London, warehouseman, May 24 at 12, Court of Bankruptcy, London, and. ac.—*Robert Pearce Stephens*, Liverpool, shipowner, May 17 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Wm. Russell*, Liverpool, merchant, May 19 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Hugh Jones*, Liverpool, linendraper, May 19 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*W. Walker*, Birmingham, hosiery, May 31 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Maurice Richards*, Birmingham, grocer, May 31 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*John Brindley Boon*, Burslem,

Staffordshire, woollendraper, June 1 at 12, District Court of Bankruptcy, Birmingham, and. ac. and div.—*H. G. Quilter*, Birmingham, grocer, May 31 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*James Thomas Woodhouse*, Leominster, Herefordshire, scrivener, May 28 at half-past 10, District Court of Bankruptcy, Birmingham, and. ac.—*Thos. Potts*, Newcastle-upon-Tyne, draper, May 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Wm. Donald*, Hayton, Aspatia, Cumberland, cattle dealer, May 25 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Richard Hansell Bell and Errington Bell*, South Shields, Durham, paper manufacturers, May 25 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Henry Paterson*, Hippodrome Livery-stables, Notting-hill, Middlesex, livery-stable keeper, May 24 at 11, Court of Bankruptcy, London, div.—*Thomas Peppin*, Fenchurch-buildings, Fenchurch-street, London, wine merchant, May 30 at 2, Court of Bankruptcy, London, div.—*Nathaniel Pearce*, Silver-street, Wood-street, Cheapside, London, stationer, May 27 at 11, Court of Bankruptcy, London, div.—*Geo. Kibble*, Hurst, Berkshire, farmer, May 27 at half-past 1, Court of Bankruptcy, London, div.—*C. S. Hooper*, Lawrence Point-nery-lane, London, merchant, May 28 at 12, Court of Bankruptcy, London, div.—*T. Chew and J. Chew*, Little Moor-fields, Cripplegate Without, London, livery-stable keepers, May 30 at 1, Court of Bankruptcy, London, div.—*Alexander Clugston and Charles P. Chapman*, Paul's-wharf, Thames-st., London, merchants, May 30 at half-past 1, Court of Bankruptcy, London, fin. div.—*Frederick Ricketts and Trevenas James*, Moorgate-street, London, merchants, May 30 at 1, Court of Bankruptcy, London, div. sep. est. of *T. James*.—*A. A. Lackersteen and Wm. H. Crane*, Moorgate-street, London, merchants, May 30 at half-past 1, Court of Bankruptcy, London, div.—*William Calk*, North Walsham, Norfolk, wine merchant, May 28 at 11, Court of Bankruptcy, London, div.—*Wm. E. Johnson*, New Wharf, Little Abington-st., Westminster, coal merchant, May 27 at half-past 12, Court of Bankruptcy, London, div.—*Edward B. May*, Leicester-sq., and Albion-place, King's-cross, Middlesex, linendraper, May 28 at 11, Court of Bankruptcy, London, div.—*P. Rufford*, *Francis Rufford*, and *Charles John Wragge*, Stourbridge, Worcestershire, bankers, May 28 at 1, District Court of Bankruptcy, Birmingham, and. ac. and fin. div. sep. est. of *C. J. Wragge*.—*Abraham Davies*, Aston-park, Wem, Shropshire, coal merchant, May 21 at 1, District Court of Bankruptcy, Birmingham, first and fin. div.—*H. Blakesley*, Castle Bromwich, Warwickshire, brick dealer, May 26 at 12, District Court of Bankruptcy, Birmingham, div.—*Wm. Horne and Jonathan Stackhouse*, Liverpool, merchants, May 27 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *W. Horne*.—*Henry M. Grotty*, Liverpool, merchant, May 27 at 11, District Court of Bankruptcy, Liverpool, div.—*John Labron*, Leeds, Yorkshire, cloth merchant, May 27 at 11, District Court of Bankruptcy, Leeds, div.—*Wm. Ness and Thomas Snowden*, Leeds, Yorkshire, tar distillers, May 27 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*James Gill*, Calvert's-buildings, High-street, Southwark, Surrey, hop factor, June 2 at 1, Court of Bankruptcy, London.—*James Barten*, Sutton Valence, Kent, brewer, May 28 at 12, Court of Bankruptcy, London.—*Frederick A. Butt*, Henry-street, Pentonville, Middlesex, grocer, May 28 at half-past 11, Court of Bankruptcy, London.—*Edward B. May*, Leicester-square, and Albion-place East, King's-cross, Middlesex, linendraper, May 28 at 11, Court of Bankruptcy, London.—*Robert Temple*, Brisley, Norfolk, grocer, May 27 at 12, Court of Bankruptcy, London.—*Henry Butt*, Mortimer-street, Cavendish-square, Middlesex, linendraper, May 30 at 11, Court of Bankruptcy, London.—*John Plimmer*, Britten-street, Chelsea, Middlesex, brewer, May 30 at 2, Court of Bankruptcy, London.—*William Martin*, Colchester, Essex, tailor, May 31 at 12, Court of Bankruptcy, London.—*Richard H. Davis*, Wellington, Somersetshire, money scrivener, May 31 at 11, District Court of Bankruptcy, Exeter.—*J. Johnson*, Wakefield, Yorkshire, cabinet maker, May 30 at 11, District Court of Bankruptcy, Leeds.—*Wm. Morritt*, Leeds, Yorkshire, coach proprietor, May 27 at 11, District Court of Bankruptcy, Leeds.—*Wm. Ness and Thomas Snowden*, Leeds,

Yorkshire, tar distillers, May 27 at 11, District Court of Bankruptcy, Leeds.—*James Wheeler*, Scarborough, Yorkshire, wine merchant, May 27 at 11, District Court of Bankruptcy, Leeds.—*Jonathan Roebuck*, Austonley, Yorkshire, and *Eli Roebuck*, Ashton-under-Lyne, Lancashire, woollen cloth manufacturers, May 27 at 11, District Court of Bankruptcy, Leeds.—*A. W. J. Cavalier*, Attercliffe, near Sheffield, Yorkshire, sugar refiner, May 28 at 11, District Court of Bankruptcy, Sheffield.—*Wm. Latham*, Shelton, Stoke-upon-Trent, Staffordshire, shoemaker, June 1 at 12, District Court of Bankruptcy, Birmingham.—*James Elliott*, Derby, carrier, May 27 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*H. B. Raff*, Woolwich, Kent, wharfinger.—*Thos. Holland*, Langham, near Godalming, Surrey, manufacturer.—*Nathaniel Pearce*, Silver-street, Wood-street, Cheap-side, London, stationer.—*Louisa Collier* and *Matilda Collier*, Hatton-garden, Middlesex, bookbinders.—*George Sheppard*, Modbury, Devonshire, linen-draper.—*B. M. Burroughs*, Liverpool, ironmonger.—*Herbert Allen*, Birmingham, tailor.—*Richard P. Hunt*, Kidderminster, Worcestershire, hosier.—*Charles Hare*, Huddersfield, Yorkshire, manufacturing chemist.—*J. Mitchell*, Horton, Bradford, Yorkshire, worsted spinner.

#### PARTNERSHIP DISSOLVED.

*Charles Archer Curtis* and *John Cooke*, Abingdon, Berkshire, and Watlington, Oxfordshire, attorneys and solicitors, (under the firm of Curtis & Cooke).

#### SCOTCH SEQUESTRATIONS.

*Myles Macphail*, Edinburgh, publisher.—*Gavin Elliot*, Aberdour, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Clarke*, Little Beacon, Foleshill, near Coventry, Warwickshire, miner, May 30 at 12, County Court of Warwickshire, at Coventry.—*William Fuhwell*, Coventry, Warwickshire, baker, May 30 at 12, County Court of Warwickshire, at Coventry.—*Joseph Hull*, Holbrooks, Foleshill, near Coventry, Warwickshire, out of business, May 30 at 12, County Court of Warwickshire, at Coventry.—*Henry Hill*, Coventry, Warwickshire, plumber, May 30 at 12, County Court of Warwickshire, at Coventry.—*Robert Golsby*, Coventry, Warwickshire, out of business, May 30 at 12, County Court of Warwickshire, at Coventry.—*Joseph Dickinson*, Manchester, silk warper, June 13 at 11, County Court of Lancashire, at Manchester.—*George Cawst*, Belper, Derbyshire, framework knitter, May 19 at 10, County Court of Derbyshire, at Belper.—*J. Thorne*, Houndall Farm, Burslem, Devonshire, yeoman, May 18 at 10, County Court of Somersetshire, at Wellington.—*A. M. Mori*, Wigan, Lancashire, out of business, May 24 at 12, County Court of Lancashire, at Wigan.—*David Sore*, Steeple Bumpstead, Essex, miller, May 18 at 2, County Court of Suffolk, at Haverhill.—*William Swain*, Green-lane, Walsall, Staffordshire, builder, May 13 at 10, County Court of Staffordshire, at Walsall.—*James J. Potter*, Walsall, Staffordshire, slater, May 13 at 10, County Court of Staffordshire, at Walsall.—*William Titley*, Langley, Worcestershire, out of business, May 18 at 9, County Court of Staffordshire, at Oldbury.—*Benjamin Joseph Gray*, Great Marlow, Buckinghamshire, tailor, May 17 at 11, County Court of Buckinghamshire, at High Wycombe.—*William Wall*, Stokenchurch, Oxfordshire, timber dealer, May 17 at 11, County Court of Buckinghamshire, at High Wycombe.—*Henry Henner*, Lyonshall, Herefordshire, shoemaker, May 26 at 10, County Court of Herefordshire, at Kingston.—*John Jones*, Llanelly, Carmarthenshire, victualler, May 26 at 11, County Court of Carmarthenshire, at Llanelly.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 23 at 10, before Mr. Commissioner LAW.*

*Mary Wilton*, Hill-street, Brompton, Middlesex, not in any business.—*Thos. Abel Parker*, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, hatter.—*Henry F. Quinton*, Gar-

den-row, London-road, Southwark, Surrey, foreman to an undertaker.—*J. Plummer*, Cannon-street-road, Commercial-road East, Middlesex, staymaker.

*May 23 at 11, before Mr. Commissioner PHILLIPS.*

*Richard Chapple*, Hounslow, Middlesex, builder.—*Wm. Mantle*, Vauxhall-walk, Lambeth, Surrey, out of business.—*John Law*, Bayham-street, Camden-town, Middlesex, cabinet maker.—*Henry C. Mower*, Commercial-street, Whitechapel, Middlesex, merchant's clerk.—*H. Sheridan Aspin*, Caroline-street, Pimlico, Middlesex, clerk in the Money Order Department of the General Post-office, London.—*Mark Clephaw*, Harleyford-street, Kennington, Lambeth, Surrey, cricket-bat manufacturer.—*J. Vincett*, Red Lion-street, Holborn, Middlesex, poulterer.—*George Milton*, King-square, Goswell-road, Middlesex, accountant.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 20 at 11, before the CHIEF COMMISSIONER.*

*John German*, Bishopsnympton, Devonshire, wheelwright.—*Thos. Ubsdell*, Great Portland-street, Oxford-street, Middlesex, fringe manufacturer.—*Charles Mason*, Acton, and Park-lane, Piccadilly, Middlesex, livery-stable keeper.—*H. Arnott*, Chichester-street, Harrow-road, Paddington, Middlesex, out of business.—*J. Brendell*, Earl-street West, Edgeware-road, Middlesex, tobacconist.

*May 20 at 10, before Mr. Commissioner LAW.*

*Charles James Wilson*, Brokers'-alley, Castle-street, Long-acre, Middlesex, carpenter.—*Abraham Goldstein*, Rochester, Kent, dealer in watches.—*Wm. Frost*, Stafford-row, Pimlico, Middlesex, foreman to a tailor.—*Andrew Davidson Armour*, Metropolitan-buildings, St. Pancras-road, Middlesex, printer.—*Barnet Harris*, Mitre-street, Aldgate, London, out of business.—*Thos. Milner*, Canterbury-grove, Lower Norwood, Surrey, plumber.

*May 20 at 11, before Mr. Commissioner PHILLIPS.*

*John Stanton*, Stanmore-street, Caledonian-road, Islington, clerk to an auctioneer.—*Edward Adams* the elder, Portsmouth-street, Lincoln's-inn-fields, Middlesex, out of business.—*Jas. Cochran*, Princes-street, Upper Stamford-street, Blackfriars-road, Surrey, writer for the public press.—*John T. Walkden*, Parker-street, Little Queen-st., Holborn, Middlesex, butcher.—*James Mowatt*, Lower Conduit-mews, Conduit-street, Paddington, Middlesex, out of business.—*C. Pinsent*, Queen's-terrace, St. John's-wood, Middlesex, cheesemonger.

*May 21 at 11, before the CHIEF COMMISSIONER.*

*Timothy Fogarty*, Palace-street, Westminster, Middlesex, carpenter.—*J. Kerr*, Leadenhall-street, London, hairdresser.—*T. Courtney Lancefield*, Carter-street, Walworth, Surrey, gentleman.—*Frederick Annesley*, Gerrard-street, Soho, Middlesex, gentleman.—*Samuel T. Scott*, Harp-alley, Farringdon-street, London, shoemaker.

*May 21 at 10, before Mr. Commissioner LAW.*

*Thomas Clements*, jun., Chiswell-st., Finsbury, Middlesex, cattle dealer.—*Peter Edwin Henderson*, Cecil-street, Strand, Middlesex, engineer.—*Alexander Macdonald*, Leadenhall-st., London, insurance broker.—*Lewis Frebout*, Hackney-road, Middlesex, upholsterer.

*May 21 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Paterson*, Wandsworth, Surrey, travelling draper.—*John Curtis*, Marylebone-lane, Marylebone, Middlesex, out of business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*John Davies*, Glandwyd Farm, near St. Asaph, Flintshire, North Wales, farmer, No. 76,422; Llewellyn Lodge, assignee.—*Thomas Platt*, Manchester, out of business, No. 76,577; *Joseph W. Owen*, assignee.—*James Woolfall*, Blackburn, Lancashire, out of business, No. 76,329; *F. Horner*, assignee.—*John Spencer*, Fulledge, near Burnley, Lancashire, out of business, No. 76,370; *Enoch Halliwell*, assignee.—*William Burgess*, Pendleton, near Manchester, out of business, No. 76,457; *Thomas English*, assignee.—*Wm. Huddleston*, Lancaster, slater, No. 76,376; *Joseph Wilson*, assignee.



*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, May 20 at 11.*

*James Birbeck, Manchester, coach driver.—Henry Foster, Bolton-le-Moors, coach proprietor.—Alexander L. Syers, Broughton, near Chester, commission agent.—Robert Raby, Walton-le-Dale, near Preston, commission agent.—John N. Cormick, Manchester, grocer.—John Sadler, Liverpool, out of business.—Levi Longworth, Prestoles Outwood, near Bolton-le-Moors, provision-shop keeper.—Jane Taylor, Liverpool, in no business.—G. Crosby, Brindle Heath, Pendleton, near Salford, cotton skein dyer.—James Riding, Balderstone, near Blackburn, licensed victualler.—John Glynn, Chorlton-upon-Medlock, Manchester, warehouseman.—Richard Allen, Ratcliffe Hall, near Bury, skein dyer.—John Platt, Rochdale, hick maker.—Edward N. Hardy, Manchester, fish dealer.—Charles Kynaston, Liverpool, tailor.—Thos. Bancroft, Much Woolton, near Liverpool, estate agent.—R. Gray, Scholes, near Wigan, grocer.—Joseph Roiley, Blackburn, professor of music.—Johnson Sharp, Liverpool, butcher.—L. Place, Pendleton, near Manchester, blacksmith.—J. Moore, Hulme, Manchester, commercial traveller.*

*At the County Court of Yorkshire, at YORK, May 23.*

*John Leadbeater, Robert Town, near Leeds, blacksmith.—John Marshall, York, out of business.—Samuel Liversidge, Hall Bowler, near Huddersfield, out of business.—William Woffenden, Huddersfield, out of business.—W. Kidd, Leeds, out of business.—James Eversen, Beverley, printer.—John Arison, Spittle Beck Inn, near Malton, farm servant.—George Chappell, Marsh, near Huddersfield, stonemason.—John Crompton, Ferry Bridge, near Pontefract, out of business.—Matthew Goodall, Heckmondwike, blanket manufacturer.—Wm. M. Taggart, Bradford, out of business.—S. Norcliffe, Goring House, near Wakefield, out of business.—W. Sugden, Marsh-lane, near Leeds, out of business.—Abram Wrigley, Saddleworth, out of business.—Joseph Naylor, Huddersfield, whitesmith.—Robert Carruthers the younger, Liverpool, woollendrapery.—Edwin Bolton, Skircoat, near Halifax, out of business.—Wm. Webster the elder, Horsforth, near Leeds, out of business.—Henry Foster, Leeds, provision dealer.*

*At the County Court of Carmarthenshire, at CARMARTHEN, May 24 at 2.*

*Thomas Lloyd, Carmarthen, grocer.—Mary Lewis, widow, Melym-cwm, Llangadock, out of business.—Mary Lamb, widow, Carmarthen, innkeeper.—James Richards, Penygader, Abergwilly, farmer.*

*At the County Court of Gloucestershire, at GLOUCESTER, May 26.*

*John Taylor, Cheltenham, out of business.*

*At the County Court of Warwickshire, at COVENTRY, May 30.*

*Rowland Hill, Birmingham, out of business.—J. Phillips the elder, Coventry, ribbon weaver.—Wm. Tawnt, Birmingham, carpenter.*

#### INSOLVENT DEBTOR'S DIVIDEND.

*Rev. Stephen Williams, Magor, Monmouthshire, May 16, Mullock's, Newport, Monmouthshire: 1s. 6d. (making with former dividends 18s. 5d.) in the pound.*

#### TUESDAY, MAY 10.

##### BANKRUPTS.

*RICHARD PENISTAN, Staverton-row, Walworth, Surrey, draper, dealer and chapman, May 20 at 11, and July 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury.—Petition dated May 6.*

*ISAAC BARNETT, Gloucester-terrace, Hoxton Old-town, watchmaker, afterwards of Napier-street, Ashley-terrace, City-road, Middlesex, out of business, and now a prisoner for debt in the Debtors Prison for London and Middlesex, (trading under the style or firm of B. Barnett & Son), May 19 at half-past 11, and June 20 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Stopher, 142, Cheapside.—Petition filed April 30.*

*EDWARD THEOBALD BLAKELY, Norwich, shawl manufacturer, dealer and chapman, May 20 at 12, and July 2 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury.—Petition dated April 28.*

*THOMAS MATTHEW BOWDEN, Old Brentford, Middlesex, basket maker, dealer and chapman, May 21 at 11, and June 17 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed April 30.*

*WILLIAM COLMAN, late of Cambridge, and now of Chesterford, Essex, horse dealer, dealer and chapman, May 19 at half-past 12, and June 23 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Pillans, Swaffham; Lawrance & Co., Old Jewry-chambers.—Petition filed May 6.*

*GEORGE HUNTER, Leeds, Yorkshire, manufacturing chemist, dealer and chapman, May 24 and June 20 at half-past 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Middleton, Leeds.—Petition dated May 7.*

*BENJAMIN LAMPLOUGH, Doncaster, Yorkshire, woollendrapery, dealer and chapman, May 28 and June 25 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Blackburn, Leeds.—Petition dated April 26, and filed April 27.*

*WILLIAM ALFRED SPARROW, Liverpool, metal broker, dealer and chapman, May 23 and June 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazanove; Sol. Tyndall, Liverpool.—Petition filed May 6.*

*JOSHUA TAYLOR, Manchester, power-loom-cloth manufacturer, May 23 and June 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Heath, Manchester.—Petition dated May 5.*

#### MEETINGS.

*James Horder, Wimborne, Dorsetshire, market gardener, May 27 at 2, Court of Bankruptcy, London, last ex.—Donald Sinclair, Peckham, Surrey, apothecary, May 24 at 11, Court of Bankruptcy, London, last ex.—Francis Robert Graham, Fleet-street, London, licensed victualler, June 2 at 2, Court of Bankruptcy, London, aud. ac.—Wm. E. Johnson, New Wharf, Little Abington-street, Westminster, Middlesex, coal merchant, May 21 at half-past 11, Court of Bankruptcy, London, aud. ac.—Joseph Dunthorn, Broadwall, Christchurch, Blackfriars-road, Surrey, corn dealer, May 24 at 12, Court of Bankruptcy, London, aud. ac.—Joseph Boys, High-street, Peckham, Surrey, linendrapery, May 24 at 12, Court of Bankruptcy, London, aud. ac.—H. M. Morgan, Reading, Berkshire, shipowner, May 24 at half-past 1, Court of Bankruptcy, London, aud. ac.—Henry M. Grotty, Liverpool, merchant, May 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—George Twenson, Church, Whalley, Lancashire, plumber, May 27 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 3 at 12, div.—J. Ness, Newcastle-upon-Tyne, grocer, June 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—A. Clark, Bear-garden, Southwark, Surrey, plumber, May 31 at 2, Court of Bankruptcy, London, div.—Herbert Ashton and Steward Spriggs, Aldermanbury, London, warehousemen, May 31 at 2, Court of Bankruptcy, London, div. sep. est. of S. Spriggs.—James Gibbs, Jermyn-street, St. James's, Westminster, Middlesex, scrivener, May 31 at 1, Court of Bankruptcy, London, div.—John Bell, Ludgate-hill, London, tailor, May 31 at 1, Court of Bankruptcy, London, div.—W. Donald, Hayton, Aspatria, Cumberland, cattle dealer, June 1 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—R. H. Bell and E. Bell, South Shields, Durham, paper manufacturers, June 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. of R. H. Bell.*

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Francis Robert Graham, Fleet-street, London, licensed victualler, June 2 at 2, Court of Bankruptcy, London.—John Bottomley, Marton, Lincolnshire, miller, June 22 at 12, District Court of Bankruptcy, Kingston-upon-Hull.—William Royston, Manchester, builder, June 2 at 12, District Court of Bankruptcy, Manchester.—Nicholas Crook, Preston, Lancashire, tailor, June 3 at 12, District Court of Bankruptcy, Manchester.*

*To be granted, unless an Appeal be duly entered.*

*Wm. Haslett*, Houson, Ash-next-Sandwich, Kent, dealer in hay.—*Stephen James Dean*, Chelmsford, Essex, leather seller.—*Louis England*, Shepperton-street, New North-road, Islington, Middlesex, builder.—*D. Gibson*, Newcastle-upon-Tyne, grocer.—*William Davison*, Newcastle-upon-Tyne, gunmaker.

#### PETITION ANNULLLED.

*Collingwood Tully*, Sunderland, Durham, shipowner.

#### SCOTCH SEQUESTRATIONS.

*Alexander Gardner*, Clarkston, near Airdrie, wright.—*P. Levy*, Edinburgh, furrier.—*S. Willet*, Maxwelltown, Kirk-cadbrightshire, wood merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Samuel Clayton Mellor*, Uttoxeter, Staffordshire, agent to a fire and life insurance office, May 14 at 10, County Court of Staffordshire, at Uttoxeter.—*Daniel Kemp*, Aldringham, Suffolk, pig jobber, May 19 at 12, County Court of Suffolk, at Halesworth.—*Henry Bloomfield*, Framlingham, Suffolk, innkeeper, May 20 at 10, County Court of Suffolk, at Framlingham.—*John Smith*, Southolt, Suffolk, innkeeper, May 20 at 10, County Court of Suffolk, at Framlingham.—*Thomas Rodwell*, Wetheringsett, Suffolk, bricklayer, May 27 at 11, County Court of Suffolk, at Eye.—*Robert Dykes*, Eye, Suffolk, cooper, May 27 at 11, County Court of Suffolk, at Eye.—*William Olding*, Highfield, South Stoneham, Hampshire, carpenter, May 21 at 10, County Court of Hampshire, at Southampton.—*Thomas Lusted* the younger, Bletchingley, Surrey, shoemaker, May 23 at 11, County Court of Surrey, at Reigate.—*George Goddard*, Limsfield-common, Limsfield, Surrey, grocer, May 23 at 11, County Court of Surrey, at Reigate.—*Peter Cooley*, Newcastle-upon-Tyne, fish curer, May 26 at 10, County Court of Northumberland, at Newcastle.—*John Taberner*, Marchington, Hanbury, Staffordshire, blacksmith, May 14 at 10, County Court of Staffordshire, at Uttoxeter.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 24 at 10, before Mr. Commissioner LAW.*

*Thomas Trout Bale*, Leadenhall-st., London, eating-house keeper.—*Joseph J. Chaplin*, Middlessex-place, Hackney-road, Middlesex, pork butcher.

*May 25 at 11, before the CHIEF COMMISSIONER.*

*Wm. Horley*, British School-lane, Chiswick, Middlesex, broker.—*John Monk*, Ogle-street, Upper Marylebone-street, Marylebone, Middlesex, cab proprietor.

*Saturday, May 7.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Wm. James Shirley*, High-st., Kingland, Middlesex, shoe dealer, No. 63,541 T.; *Henry J. Achlin*, assignee.—*Thomas Dunnatt*, Princes-st., Rotherhithe, Surrey, shipowner, No. 63,572 T.; *James Howard*, assignee.—*George Fox*, Mexbrough, Yorkshire, farmer, No. 74,952 C.; *Edward Gillatt*, assignee.—*J. Kealey*, Lincoln, house painter, No. 75,644 C.; *David Mortimer*, assignee.—*Richard Parr*, Nottingham, builder, No. 76,079 C.; *Henry M. Wood*, *Henry Lewis*, and *John Fisher*, assignees.—*Wm. Shaw*, Meltham Almondsbury, Yorkshire, cloth merchant, No. 76,156 C.; *John Armitage*, assignee.—*Samuel Day*, Strood, Kent, baker, No. 76,299 C.; *James Thomas*, assignee.—*John Halliwell*, Hebden Bridge, near Halifax, Yorkshire, grocer, No. 76,306 C.; *Solomon Coates*, assignee.—*Thos. Howell*, Heathfield, Sussex, farmer, No. 76,308 C.; *J. Stevenson* and *George Johnson*, assignees.—*Edward O. Parkinson*, Dover, Kent, out of business, No. 76,316 T.; *Alfred B. Carpenter* and *Joseph Choat S. Mead*, assignees.—*Thomas Sheard*, Mirfield, near Dewsbury, York-

shire, grocer, No. 76,449 C.; *John Belfield*, assignee.—*James Haigh*, Paddock, near Huddersfield, Yorkshire, innkeeper, No. 76,465 C.; *Edmund Bardsley*, assignee.—*James Haigh*, Halton Whitkirk, near Leeds, Yorkshire, grocer, No. 76,469 C.; *John Dawson*, assignee.

*Saturday, May 7.*

*Orders have been made, vesting in the Provisional Assign the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*W. Bayly*, Hill-st., Blackfriars-road, Surrey, news agent: in the Queen's Prison.—*John Mayfield*, Barnes, Surrey, grocer: in the Gaol of Surrey.—*James Hunt*, Lewisham, Kent, general merchant: in the Queen's Prison.—*Thomas Dawson*, Castle-street, Falcon-square, City, out of business: in the Queen's Prison.—*Wm. H. Ball*, Stockwell-common, Clapham-road, Surrey, commission agent: in the Queen's Prison.—*John Pegrum*, Walthamstow, Essex, farm bailiff: in the Debtors Prison for London and Middlesex.—*Adolphus Kaul*, Long-acre, Middlesex, watchmaker: in the Debtors Prison for London and Middlesex.—*John Mayer*, Clarence-place, Myddleton-road, Dalston, Middlesex, commission agent: in the Queen's Prison.—*John Chretien*, Russia-court, Mill-street, City, carpenter: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Thomas Atkins*, Putney, Surrey, plumber: in the Queen's Prison.

*(On their own Petitions).*

*John Brook*, Holmfirth, near Huddersfield, Yorkshire, clothier: in the Gaol of York.—*Thomas Bancroft*, Much Woolton, near Liverpool, estate agent: in the Gaol of Lancaster.—*Charles Kynaston*, Liverpool, tailor: in the Gaol of Lancaster.—*John Taylor*, Cheltenham, Gloucestershire, licensed victualler: in the Gaol of Gloucester.—*Thomas Garner*, Sutton Bridge, near Long Sutton, Lincolnshire, harbour and pilot master: in the Gaol of Lincoln.—*Edward Nightingale Hardy*, Manchester, fishmonger's assistant: in the Gaol of Lancaster.—*John Moore*, Hulme, Manchester, commercial traveller: in the Gaol of Lancaster.—*R. Place*, Marsh, Cambridgeshire, draper: in the Gaol of Northampton.—*Ann Fuller*, widow, Great Shelford, Cambridgeshire, licensed victualler: in the Gaol of Cambridge.—*Henry Morgan*, Lane-end, near Coleford, Gloucestershire, miner: in the Gaol of Gloucester.—*Mary Lamb*, Carmarthen, innkeeper: in the Gaol of Carmarthen.—*Jos. Hearn*, Stratton St. Mary, otherwise Long Stratton, Norfolk, shoemaker: in the Gaol of Norwich.—*William Henry Brooks*, Wolverhampton, Staffordshire, commission agent: in the Gaol of Stafford.—*Benjamin Bramhall*, Manchester, tailor: in the Gaol of Lancaster.—*John Ralph Threadgold*, Northam, Southampton, storekeeper: in the Gaol of Southampton.—*Thos. Hicks*, Greenwich, Kent, foreman to a tailor: in the Gaol of Maidstone.—*Samuel Cooper*, Ashton-under-Lyne, Lancashire, carter: in the Gaol of Lancaster.—*R. Davis*, St. Asaph, Flintshire, innkeeper: in the Gaol of Rathin.—*Charles Crawford*, Gateshead, Durham, builder: in the Gaol of Newcastle-upon-Tyne.—*Wm. Friend*, Brighton, Sussex, licensed victualler: in the Gaol of Lewes.—*Thos. Watkins*, White Lee, Trelleck, Monmouthshire, timber dealer: in the Gaol of Monmouth.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 24 at 10, before Mr. Commissioner LAW.*

*James Deane Hebert*, New Gloucester-place, Haxton Newtown, Middlesex, house agent.

*May 26 at 11, before Mr. Commissioner PHILLIPS.*

*John Mayfield*, Barnes-green, Barnes, Surrey, tea dealer.—*Wm. H. Ball*, Stockwell-common, Clapham-road, Surrey, commission agent.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at GLOUCESTER, May 26 at 10.*

*Thos. Fryer*, Saul, near Frampton-on-Severn, carpenter.

## INSOLVENT DEBTORS' DIVIDENDS.

*John Dalton*, South-place, Finsbury, Middlesex, silk dresser: 1s. 7½d. in the pound.—*John James Cronin*, Charles-st., Manchester-square, Middlesex, professor of music: 3s. 2d. in the pound.—*S. F. Ray*, Wardour-st., Soho, Middlesex, clerk in the Navy-office, Somerset-house: 2s. 10½d. in the pound.—*Wm. H. King*, Silver-st., Golden-square, Middlesex, victualler: 2s. 7d. in the pound.—*Thos. Blake*, Queen's-road, New-cross, Surrey, grocer: 10½d. in the pound.—*T. Lar Wardell*, Three Colt-st., Limehouse, Middlesex, grocer: 1s. 1½d. in the pound.—*Thos. Burgess*, Milton Bryant, Bedfordshire, gamekeeper: 14s. 3d. in the pound.—*W. Fletcher*, Harwell, near Abingdon, Berkshire, clerk: 4½d. (making 10½d.) in the pound.—*William Hill Powell*, Somerset-place, Dalston, Middlesex, messenger: 4s. 8d. in the pound.—*John Reed*, Upper Brook-st., Grosvenor-square, Middlesex, tailor: 4d. in the pound.—*William Bastard*, Slapton, Devonshire, miller: 20s. in the pound.—*George Sparrell*, Crown-court, Dean-st., Soho, Middlesex, plumber: 10d. in the pound.—*John Lightwing Mowgre*, Canterbury-place, Walworth, Surrey, dancing master: 1s. 4d. in the pound.

Apply at the *Provisional Assignees' Office*, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.

*Wm. F. Scudmore*, Brompton, Middlesex, in no business, May 18 from 11 to 2, Tapster's, 27, Southampton-street, Covent-garden: 1s. 4½d. in the pound.

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# The Jurist

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MAY 21, 1853.

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LONDON, MAY 21, 1853.

THE New Pleading Rules (published in our last number) come into force on Monday next; and we therefore propose to consider their effect, and the changes made by them in this "honourable, laudable, and (once) profitable branch of our law."

First, the famous Rules made in pursuance of the 3 & 4 Will. 4, c. 42, are repealed, except so far as they may be "necessary or applicable to any pleadings, &c. had or taken previous to the first day of Trinity Term."

We will consider these Rules of Hilary Term, 1853, seriatim, marking by italics the principal alterations introduced by them.

Rules 1, 2, and 3 relate to several counts and pleas, which are still prohibited if they are framed on the same cause of action or ground of defence, unless the court or a judge allows them as being proper for the determining the real question in controversy between the parties on its merits. This renders the allowance of several counts and pleas correlative, as it should be, with the existing powers of amendment, which, under sect. 222 of the 15 & 16 Vict. c. 76, extend so far "as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties." Pleadings must be more careful than ever in their use of counts and pleas, for a power is given to "the judge or presiding officer" at the trial to certify that one of several counts or pleas is founded on the same cause of action or ground of defence, where-

upon the party who pleaded it shall be liable to the other party for all costs occasioned thereby, including those of the evidence as well as those of the pleading. From the wording of this Rule, (Rule 3), it may be doubtful whether the power is to be exercised unless the parties have first been before the court or a judge upon the subject, and no rule or order has been made as to costs, or whether it is to be exercised independently of any such application. Formerly no time was fixed by statute or rule of court for applying to strike out counts, but now it is to be "within a reasonable time, or before an order made for time to plead." The objection to pleas is to be made, under the Common-law Procedure Act, (sect. 83), at the time of hearing the summons for leave to plead several matters. A discretion is very properly vested in the court or judge as to costs in striking out counts or pleas, instead of making it, as heretofore, incumbent on them to award costs against the party who had used the superfluous count or plea.

Rules 4 and 5 are mere repetitions of the former Rules as to the venue being stated only in the margin, except where local description is necessary, and as to the representative character of assignees of bankrupts and insolvents, and executors and administrators, &c., not being in issue, unless specially denied.

Rule 6 states the operation of non assumpsit, or a plea traversing the contract or agreement alleged in the declaration. This is substantially the same as before, and we think it necessary to call the attention of our readers only to the part which declares, that "to causes

of action to which the plea of 'never was indebted' is applicable, as provided in Schedule (B.), No. 36, of the Common-law Procedure Act, 1852, and to those of a like nature, the plea of non assumpsit shall be inadmissible." The causes of action here referred to are the declarations numbered 1 to 14 in the forms referred to, and which are the common and general counts in actions of contract.

The pleas of non assumpsit and never indebted are inadmissible in actions on bills of exchange and promissory notes, and in such actions a plea in denial must traverse some matter of fact. (Rule 7).

All matters in confession and avoidance must be pleaded specially. (Rules 8, 12, 17).

In actions on policies of assurance, the interest of the assured may be averred as before. (Rule 9).

The plea of non est factum is to operate as before. (Rule 10).

"The plea of nil debet shall not be allowed in any action." (Rule 11). These are precisely the same words as those which were used in Rule 3 of Reg. Gen., H. T., 4 Will. 4, but they were decided not to have the effect of doing away with the plea of nil debet in penal actions, under the 21 Jac. 1, c. 4. (*Jones v. Williams*, 4 M. & W. 375). When pleadable, it puts all the facts in issue.

A plea of set-off, as well as of payment, may now be avoided, by giving credit for matters of set-off; but the Rule is not to apply where the plaintiff states that he seeks to recover a balance, without stating the particulars of the set-off. (Rule 13; and see Rule, T., 1 Vict.)

Payment shall not in any case be allowed to be given in evidence in reduction of damages or debt, but shall be pleaded in bar. (Rule 14). This is a repetition of part of Rule, T., 1 Vict. The rule, however, does not prevent a defendant who has pleaded payment, but has proved only a part of it, from having the benefit of the part proved, in reduction of damages. (*Lord v. Ferriand*, 1 Dowl. & L. 630).

The pleas of not guilty and of non detinet will have the same operation as before. (Rules 15, 16, 19, 20).

When the general issue "by statute" is pleaded, the defendant must now insert on the margin not only the words "by statute," but also the year of the reign in which the act passed, and also the chapter and section and a statement that the act is public or otherwise, (as the case may be). (Rule 21). Formerly, upon an affidavit that the plaintiff could not discover the statute under which the defendant meant to justify, the Court would order the statute to be specified. (*Coy v. Lord Forester*, 8 M. & W. 312).

A plea, containing a defence arising after the commencement of the action, may be pleaded, together with pleas of defences arising before the commencement of the action, provided that the plaintiff may confess such plea, and thereupon shall be entitled to the costs of the cause up to the time of the pleading of such first-mentioned plea. (Rule 22).

Upon a plea of puis darrein continuance, the plaintiff could always have discontinued without paying or receiving costs. (*Wollen v. Smith*, 9 Ad. & El. 505; see *Thompson v. Jackson*, 1 Man. & G. 242).

When a plea is pleaded, with an allegation that the

matter of defence arose after the last pleading, the plaintiff shall be at liberty to confess such plea, and shall be entitled to the costs of the cause up to the time of pleading such plea; provided that this and the preceding Rule (Rule 22, as to defences arising after the commencement of the action) shall not apply to the case of such plea pleaded by one or more only out of several defendants. (Rule 23).

Courts of error may award a repleader or direct a trial de novo. (Rule 24). By sect. 157 of the Common-law Procedure Act, Courts of error have power to give such judgment and award such process as the Court below ought to have done. Previously to this enactment, it was decided that a Court of error could not award a repleader, (*Gwynne v. Burnell*, 7 Cl. & Fin. 572), although it might grant a venire de novo. (*Grant v. Astle*, 2 Dougl. 722).

The costs of proceedings in error shall be taxed and allowed as costs in the cause; (Rule 25, which is the same as Rule 69 of the New Practice Rules, Hilary Term, 1853); and no double costs in error shall be allowed to either party. (Rule 25). This latter part of the Rule refers to stat. 13 Car. 2, st. 2, c. 2, s. 10, whereby, if a judgment given for the plaintiff after verdict were affirmed in error, the defendant in error was to have double costs.

Interest may be allowed for the delaying of execution by reason of error having been brought; and the Master, on taxing the costs, may compute the interest, without any rule of court or judge's order. (Rule 26). By the 3 & 4 Will. 4, c. 42, s. 30, it is incumbent on Courts of error to allow such interest, but it was doubtful whether a rule of court was not necessary for the purpose. (See 1 Chit. Arch. Prac. 509, note (c)). The statute is imperative—the rule of court permissive; but the former is still in force. Under the statute the interest will be calculated at 4l. per cent.; (*Loy v. Langridge*, 4 M. & W. 337); and by the 1 & 2 Vict. c. 110, s. 17, every judgment debt carries interest at that rate.

Error is not to be brought for any error in a judgment with respect to costs, but such error may be amended. (Rule 27).

A person admitted to sue in forma pauperis shall not in any case be entitled to costs from the opposite party, unless by order of the court or a judge. (Rule 28).

By Rule 21 of the New Practice Rules, Hilary Term, 1853, no fees shall be payable by a pauper to his counsel and attorney, nor at the offices of the Masters or Associates, or at the judges' chambers or elsewhere, by reason of a verdict being found for such pauper exceeding 5l.\*

If the plaintiff in ejectment be nonsuited, the defendant shall have judgment for his costs; and if the plaintiff in ejectment appears, but the defendant does not, the plaintiff shall have a verdict, and judgment for his costs, as in other cases. (Rules 29, 30).

The first part of this Rule supplies a deficiency in sect. 183 of the Common-law Procedure Act; and the

\* Mr. Wise observes upon this—"The precise meaning of the word 'fees' is not clear. It can hardly be intended that the defendant is to pay no costs at all." (Wise's Common-law Procedure Act, p. lxxviii).

latter is a repetition of Rule 114 of the New Practice Rules, Hilary Term, 1853.

No entry of continuances is to be made; (Rule 31); and judgments are to be entered of the day and year when signed, unless ordered to be entered nunc pro tunc. (Rule 32).

Several of the former Rules, which have been embodied in the Common-law Procedure Act, are omitted from these Rules. See, for instance, those relating to pleas puis darrein continuance, (Reg. Gen., H. T., 4 Will. 4, r. 2), now provided for by sect. 69 of that statute.

### REGULA GENERALIS.

#### ORDER OF COURT.—May 10, 1853.

The Right Honourable ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, doth hereby order and direct in manner following, that is to say—

That in every case in which any person is entitled to, or in any manner interested in, any Old South Sea Annuities, New South Sea Annuities, Bank Annuities, 1728, or 3*l*. per Cent. Annuities, 1751, standing in the name of the Accountant-General of this Court, in trust in any cause or matter, whether such person is so entitled beneficially, or only as executor, administrator, trustee, guardian, committee, or otherwise, such person may apply to the Master of the Rolls, or to any of the Vice-Chancellors in chambers, by summons, in the cause or matter in trust in which such Annuities may be standing, praying that the said Accountant-General may be authorised and directed to receive the capital sums which will, under the provisions of an act passed in the present session of Parliament, intituled "An Act for redeeming or commuting the Annuity payable to the South Sea Company, and certain Annuities of 3*l*. per Cent. per Annum, and for creating New Annuities of 3*l*. 10*s*. per Cent. per Annum and 2*l*. 10*s*. per Cent. per Annum, and issuing Exchequer Bonds," on the 5th January, 1854, and the 5th April, 1854, respectively become payable in respect of such Annuities; or that the said Accountant-General may be directed to signify, on or before the 3rd day of June next, to the Governor and Company of the Bank of England, or to the South Sea Company, as the case may be, on behalf of all persons interested in such Annuities, his assent to accept and receive, in lieu of such Old South Sea Annuities, New South Sea Annuities, Bank Annuities, 1728, or 3*l*. per Cent. Annuities, 1751, respectively, a competent portion of New 3*l*. 10*s*. Annuities or Exchequer Bonds, according to the provisions of the said act; and the Master of the Rolls or Vice-Chancellors, as the case may be, may, on any such application, and on the attendance of such parties, if any, and on such evidence, if any, as he may think fit and require, authorise and direct the said Accountant-General to receive such capital sums, or to signify such assent, as the case may be, in case the said Master of the Rolls or Vice-Chancellors shall be satisfied that such authority and direction may be given with a due regard to the rights of all persons interested in the said funds.

And it is hereby further ordered, that the Accountant-General, in all cases in which no notice shall, on or before the 31st day of May, 1853, have been given to him of an order made by the Master of Rolls, or one of the Vice-Chancellors, authorising and directing him to receive such capital sums, or to signify such assent as aforesaid, as to any portion of the said Annuities so standing in his name, shall, on or before the 3rd day of June next, signify to the Governor and Company of the

Bank of England, or to the South Sea Company, as the case may be, his assent to accept and receive, in lieu of the Old South Sea Annuities, New South Sea Annuities, Bank Annuities, 1728, and 3*l*. per Cent. Annuities, 1751, standing in his name, or of such part thereof as to which no such notice as aforesaid shall have been given to him, a competent sum of 2*l*. 10*s*. per Cent. Annuities, according to the provisions of the said act. And the Accountant-General shall in such case carry such 2*l*. 10*s*. per Cent. Annuities to the credit of the same causes or matters respectively in respect whereof such assent shall so have been signified by him as aforesaid, and the same shall be held upon the same trusts and shall be subject to the same orders as the Annuities in respect of which the same shall be so received.

(Signed) CRANWORTH, C.

The following Rule (accidentally omitted until now) was read in court on the 16th April:—

### REGULA GENERALIS.

It is ordered that there be laid before this Court, on the first Crown Paper day in every term, a list of the several cases in which recognisances have been filed to prosecute writs of error in misdemeanour returnable in this court, together with the names of the several cases in which default hath been made in prosecuting such writs of error, according to the course and practice of this Court.

CAMPBELL. W. ERLE.  
J. T. COLERIDGE. CHAS. CROMPTON.  
WM. WIGHTMAN.

April 16, 1853.

### Court Papers.

#### EQUITY SITTINGS, TRINITY TERM, 1853.

##### Court of Chancery.

##### Before the LORD CHANCELLOR, at Westminster.

Monday ....	May 23	Appeal Motions and Appeals.
Tuesday .....	24	Her Majesty's Birthday. (No sitting).
Wednesday .....	25	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	26	Appeal Motions and Appeals.
Friday .....	27	Appeals.
Saturday .....	28	
Monday .....	29	
Tuesday .....	31	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Wednesday ..	June 1	
Thursday .....	2	
Friday .....	3	Appeals.
Saturday .....	4	
Monday .....	6	
Tuesday .....	7	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Wednesday .....	8	
Thursday .....	9	
Friday .....	10	Appeals.
Saturday .....	11	
Monday .....	13	

N. B.—The days his Lordship attends the House of Lords excepted.

##### Before the LORDS JUSTICES, at Westminster.

Monday ....	May 23	Appeal Motions and Appeals.
Tuesday .....	24	Her Majesty's Birthday. (No sitting).
Wednesday .....	25	Appeals.
Thursday .....	26	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Friday .....	27	





**Court of Common Pleas.***In Term.*

MIDDLESEX.	LONDON.
Tuesday ..... May 24	Saturday ..... May 28
Tuesday ..... 31	Saturday ..... June 4

*After Term.*

Tuesday ..... June 14	Saturday ..... June 25
-----------------------	------------------------

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

**Exchequer of Pleas.***In Term.*

MIDDLESEX.	LONDON.
1st sitting, Tuesday.. May 24	1st sitting, Tuesday.. May 31
2nd sitting, Thursday, June 2	2nd sitting, Tuesday .. June 7
3rd sitting, Thursday .... 9	

*After Term.*

Tuesday ..... June 14	Monday ..... June 27
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The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

The Court will sit during and after term at ten o'clock.

**COMMON-LAW CAUSE LISTS, TRINITY TERM, 1853.****Court of Queen's Bench.****NEW TRIALS**

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER EASTER TERM, 1853.

FOR JUDGMENT.	FOR ARGUMENT.
Midd.—Dansey v. Richardson	HILARY TERM, 1853.
" Batard v. Hawes	London.—Kernot v. Pittis
London.—Frost v. Oliver	
	EASTER TERM, 1853.
	Essex.—Andrews v. Hailles
	" Pariah v. Neville
	Surrey.—Stainbank v. Davies
	" Davies v. Fletcher
	Devon.—Doe d. Smith v. Moule
	Corwall.—Meredith v. Melgh
	Derby.—Walton v. Shalcross
	Leicester.—Doe d. Skenner v.
	Kirk & an.
	Carnarvon.—Turner v. Evans
	Leicest.—Woodward v. Watts
	Northumb.—Pollard v. Ogden
	York.—Harper v. Parker
	" Reg. v. Inhabitants of
	Aldborough
	" Thompson v. Harding
	" Reg. v. Sheffield Gas
	Consumers Co.
	" Saville v. Armitage
	and Lancaster
	" Saville v. Armitage
	and Thornton
	" Edward v. Hepton
	Oxford.—Randall v. Stevens
	Hereford.—Smyth v. Carpenter
	<i>Tried during Easter Term,</i>
	1853.
	Midd.—Dibble v. Bowater
	London.—Hochstet v. De Latour
	" Ware v. Osmond.

**SPECIAL CASES AND DEMURRERS,****FOR TRINITY TERM, 1853.**

Those marked thus \* are Special Cases, the rest are Demurrers.

FOR JUDGMENT.	FOR ARGUMENT.
*Doe d. Lees v. Ford	Doe d. Housfield v. Ridal (Sp.
Lambley v. Gye	Verd.—Stands till Kernot
Badeley v. Vigurs	
*Doe d. Agar v. Brown	
	v. Pittis is disposed of in the
	Exchequer Chamber)
	Westoby v. Day
	Evatt v. Hunt
	Gerhard v. Bates
	*Arnold v. Dimasdale
	*Moore v. Shepherd, Deputy
	Master of Trinity House of
	Deptford Strond.

**ENLARGED RULES****FOR TRINITY TERM, 1853.**

First Day.	
In re Wickens	Reg. v. East Anglian Rail-
Amey v. Allibone	way Co.
In re Vaughan	Same v. Land-tax Commis-
Fisher v. Bridges	sioners for Gartree
Price v. Butcher	Same v. Welch.

**CROWN PAPER, TRINITY TERM, 1853.**

London .....	Reg. v. Governors of Bridewell.
Glamorganshire .....	Lewis.
London .....	Inhabitants of St. Anne, Blackfriars.
Yorkshire .....	Inhabitants of Horbury.
Anglesey .....	Lewis & an.
Wiltshire .....	Sims.
Cambridge....	Newmarket Railway Co.
Northamptonsh. ....	Churchwardens, &c. of Weedon Beck.
Buckinghamsh. ....	Knapp & an.

**Court of Common Pleas.****NEW TRIALS.**

MICH. TERM, 1848.	EASTER TERM, 1853.
Surr.—Hamilton v. Cochrane	Midd.—Parker v. Farebrother
	London.—Schreiber v. Artignas
	Midd.—Jewell v. Parr
	London... Moffatt v. Dickson
	" Read v. Coker.
HILARY TERM, 1853.	
Midd.—Evans v. Edmonds	

**ENLARGED RULES.**

To first Day.	Generally.
Towne v. D'Heinrich	In re Sharp & ora. v. Hall (In
Cooper v. Parker	prohibition)
To fourth Day.	Dalby v. India and London
Bodger v. Turner	Life Assurance Co.

**DEMURRER PAPER.**

Saturday, May 28.	
Reid v. Fairbanks	Cork and Bandon Railway Co.
Glen v. Leith	v. Ridge
	Bower v. Hodges.

**CUR. ADV. VULT.**

Darier v. Martin	Gibbs v. Flight
Harris v. Thirkell	Reid v. Ashby.

**Court of Exchequer.****SITTINGS—TRINITY TERM, 1853.**

Days in Term.	Base.
Monday .... May 23	Motions and Peremptory Paper.
Tuesday ..... 24	Errors, Peremptory Paper, & Motions.
Wednesday ..... 25	.....
Thursday ..... 26	Circuits chosen.
Friday ..... 27	.....
Saturday ..... 28	.....
Monday ..... 30	Special Paper.
Tuesday ..... 31	.....
Wednesday .. June 1	Special Paper.
Thursday ..... 2	.....
Friday ..... 3	.....
Saturday ..... 4	Crown Cases.
Monday ..... 6	Special Paper.
Tuesday ..... 7	.....
Wednesday ..... 8	Special Paper.
Thursday ..... 9	.....
Friday ..... 10	.....
Saturday ..... 11	.....
Monday ..... 13	.....

Days in Term.	Nisi Prius.
Tuesday .... May 24	Middlesex first Sitting.
Tuesday ..... 31	London first Sitting.
Thursday .... June 2	Middlesex second Sitting.
Tuesday ..... 7	London second Sitting.
Thursday ..... 9	Middlesex third Sitting.

## NEW TRIALS.

## FOR JUDGMENT.

*Moved Easter Term, 1853.*

Midd.—Alexander v. Druce

## FOR ARGUMENT.

*Moved Hilary Term, 1852.*

London.—Shropshire Union  
Railways Company

*Moved Easter Term, 1853.*

Midd.—Bateman v. Gray

London.—Crossfield v. Such

Bedford.—Bandy v. Cartwright

Maidstone.—Emmett v. Tot-

tenham

Stacey v. Winch

Durham.—Skiffington v. Clarke

York.—Cowburn v. Wearing

Whyman v. Gath

Liverp.—Betteley v. Roberts

Williams v. Holmes

Hill v. Holmes

Pauling v. London

and North-western Railw. Co.

Mold.—King v. Haworth

Haverfordwest.—Davenport v.

James

Carmarth.—Harries v. Parry

Chester.—Ward v. Metcalf

Thornton v. Court

Same v. Same

Dorchester.—Haggood v. Hor-

der

Reading.—Wright v. Green-

wood

Stafford.—Walker v. Broad-

hurst

Same v. Same

Shrewsbury.—Chappell v. Sal-

way

Gloucester.—Hook v. Beard

Caldicott v. Grif-

fiths

*Moved after the fourth Day of*

*Easter Term, 1853.*

Midd.—Gibbs v. Tremont

Trent v. Hunt

Clarke v. Harmer

Crafts v. Abbott

De Banardy v. Har-

ding

Meynell v. Bone

London.—Laws v. Bachelor

Same v. Same.

## PEREMPTORY PAPER.

*To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.*

Gifford v. Jackson

Markcraw v. Levey.

## SPECIAL PAPER.

## FOR JUDGMENT.

Williams v. Wilson

Naylor v. Palmer

Iberg v. Bowden

## FOR ARGUMENT.

Edgell v. Burnaby

South Yorkshire Railway and

River Dun Co. v. Great

Northern Railway Co.

Davies v. Mayor, &c. of

Swansea.

## London Gazettes.

## FRIDAY, MAY 19.

## BANKRUPTS.

ANDREW CHARLES LARKAN, (not Henry Charles Larkhan, as advertised in the Gazette of the 3rd inst.), Silver-street, and King-street, Greenwich, Kent, coffee-house keeper and retailer of beer, May 11 at 1, and June 21 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Carttar, Greenwich, Kent.—Petition filed May 3.

ROBERT HORNER, Pall-mall, Middlesex, licensed victualler, dealer and chapman, May 24 at 2, and June 24 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Dingwall, 8, Tokenhouse-yard, City.—Petition filed April 28.

ROBERT SANDERSON, Oxford-street, Middlesex, tailor, May 21 at half-past 12, and July 1 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Moxon, 27, Southampton-buildings, Chancery-lane, London.—Petition dated May 12.

GEORGE GODSELL, Wotton-under-Edge, Gloucestershire, tailor, dealer and chapman, May 31 and June 28 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Abbot & Lucas, Bristol; Kearsey, Stroud.—Petition filed May 5.

SAMUEL BARRINGTON WATTS, Exeter, hatter and outfitter, dealer and chapman, May 25 at 11, and June 16 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. H. C. & F. A. Trenchard, Taunton; Stogdon, Exeter.—Petition filed May 11.

BENJAMIN DAVIES, Holywell, Flintshire, draper, dealer and chapman, May 20 and June 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Sale & Co., Manchester; Evans & Son, Liverpool.—Petition filed May 3.

HENRY FOULKES, Manchester, grocer, dealer and chapman, May 23 and June 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester; Ashurst & Son, Old Jewry, London.—Petition filed April 28.

## MEETINGS.

John Powell and David Powell, Haro-street, Woolwich, Kent, linendrapers, June 16 at 2, Court of Bankruptcy, London, last ex. of D. Powell.—Wm. H. Rawlings, Harper-st., Red Lion-square, Middlesex, builder, May 23 at 1, Court of Bankruptcy, London, last ex.—Peter Thornton, Preston, Lancashire, plumber, May 27 at 12, District Court of Bankruptcy, Manchester, last ex.—John Milnes, Rochdale, Lancashire, woolstapler, May 25 at 12, District Court of Bankruptcy, Manchester, last ex.—Wm. Wright, Maldon, Essex, linendraper, June 7 at 12, Court of Bankruptcy, London, and ac.—Robert Bond, Mitre-court, Hatton-garden, Middlesex, wine merchant, June 7 at half-past 11, Court of Bankruptcy, London, and ac.—John Gally Hartley and William Jubilee Reed, Princes-dock, Rotherhithe, Surrey, and New-street and Fore-street, Limehouse, Middlesex, shipwrights, June 9 at 2, Court of Bankruptcy, London, and ac.—Charlotte Julia Pickford, Cheltenham, Gloucestershire, upholsterer, May 26 at 11, District Court of Bankruptcy, Bristol, and ac.—William Horne and Jonathan Stackhouse, Liverpool, merchants, May 26 at 11, District Court of Bankruptcy, Liverpool, and ac. sep. est. of Wm. Horne.—Thomas William Baker, West Derby, Watton-on-the-Hill, and Liverpool, Lancashire, tobacconist, May 23 at 11, District Court of Bankruptcy, Liverpool, and ac.—Nicholas Crook, Preston, Lancashire, tailor, June 3 at 12, District Court of Bankruptcy, Manchester, and ac.; June 10 at 12, div.—Charles Gough, Altrincham, Cheshire, ironmonger, June 9 at 12, District Court of Bankruptcy, Manchester, and ac.; June 16 at 12, div.—Hilton Kay, Robert Kay, and William Kay, Heywood, Lancashire, cotton spinners, June 2 at 12, District Court of Bankruptcy, Manchester, and ac. sep. est. of H. Kay; June 9 at 12, div.—John Lebron, Leeds, Yorkshire, cloth merchant, May 26 at 11, District Court of Bankruptcy, Leeds, and ac.—Wm. Ness and Thomas Snowdon, Leeds, Yorkshire, naphtha distillers, May 26 at 11, District Court of Bankruptcy, Leeds, and ac.—Daniel Keith and Thomas Shookbridge, Wood-street, Cheapside, London, warehousemen, June 8 at 2, Court of Bankruptcy, London, div.—Samuel M. Latham, Dover, Kent, banker, June 4 at 12, Court of Bankruptcy, London, fin. div.—Robert Temple, Brisley, Norfolk, grocer, June 3 at 12, Court of Bankruptcy, London, div.—Edward Blahely, Conduit-street, Regent-street, Westminster, Middlesex, and Norwich, linendraper, June 4 at half-past 11, Court of Bankruptcy, London, div.—Powell C. Blackett, Green-st., Grosvenor-sq., Middlesex, lodging-house keeper, June 4 at 2, Court of Bankruptcy, London, fin. div.—Hannibal Sandys, William Sandys, and Hannibal Sandys the younger, Crane-court, Fleet-st., London, scriveners, June 4 at 12, Court of Bankruptcy, London, fin. div.—Benjamin J. Maunder, Mark, Somersetshire, draper, June 9 at 11, District Court of Bankruptcy, Bristol, fin. div.—Richard W. Johnson, Gloucester, wine merchant, June 7 at 11, District Court of Bankruptcy, Bristol, div.—Wm. Wandby King, Liverpool, chemist, June 6 at 11, District Court of Bankruptcy, Liverpool, div.—Joseph Price, Birmingham, jeweller, June 6 at 1, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

Wm. Wright, Maldon, Essex, linendraper, June 7 at 12, Court of Bankruptcy, London.—John Lockyer, Clerkenwell-green, and St. John's-square, Clerkenwell, Middlesex, iron warehouseman, June 7 at half-past 12, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

Samuel Jones, Kidsgrove, Wolstanton, Staffordshire, joiner.—Richard White, Birmingham, cut nail manufacturer.

## PETITION ANNULLLED.

Wm. Marsh, Dudley, Worcestershire, beer seller.

## SOURCE SEQUESTRATION.

Wm. Armstrong, deceased, Glasgow, bookkeeper.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

John Crabtree, Huddersfield, Yorkshire, woollen engineer, May 26 at 10, County Court of Yorkshire, at Huddersfield.—Winstone Simmonds, Swansea, Glamorganshire, veterinary surgeon, May 19 at 10, County Court of Glamorganshire, at Swansea.—Edward Howard, Swansea, Glamorganshire, commission agent, May 19 at 10, County Court of Glamorganshire, at Swansea.—William Cullis, Chippenham, Wiltshire, licensed victualler, May 25 at half-past 11, County Court of Wiltshire, at Chippenham.—Benjamin Cooke, Gainsborough, Lincolnshire, coal dealer, June 13 at 9, County Court of Lincolnshire, at Gainsborough.—Jas. Woodward, Upton-upon-Severn, Worcestershire, blacksmith, June 13 at 10, County Court of Worcestershire, at Upton-upon-Severn.—Charles Chappel, Lincoln, butcher, June 7 at 12, County Court of Lincolnshire, at Lincoln.—Robert Dent, Cambridge, blacksmith, May 23 at 10, County Court of Cambridgeshire, at Cambridge.—Wm. Theobalds, Cambridge, licensed victualler, May 23 at 10, County Court of Cambridgeshire, at Cambridge.—John Simpson, Chorlton-upon-Medlock, near Manchester, butcher, June 13 at 11, County Court of Lancashire, at Manchester.—Wm. Dewising, Ipswich, Suffolk, innkeeper, May 21 at 10, County Court of Suffolk, at Woodbridge.—Wm. Turner, Aylesbury, Buckinghamshire, grocer, May 25 at 12, County Court of Buckinghamshire, at Aylesbury.—Henry Stinson, Oakham, Rutlandshire, mail cart contractor, June 17 at 10, County Court of Rutlandshire, at Oakham.—Thomas Taylor, Liverpool, marble mason, May 23 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

May 27 at 10, before Mr. Commissioner LAW.

Wm. S. Matthew, Wellington-st., Bethnal-green, Middlesex, in no business.—Wm. Lyons, Southampton-st., Strand, Middlesex, carpenter.—R. Rattie, Brompton-road, Knightsbridge, Middlesex, consulting engineer.—Wm. Fell the elder, Snow-fields, Bermondsey, Surrey, tailor.—James Richards, Woolwich, Kent, stove manufacturer.

May 28 at 10, before Mr. Commissioner LAW.

Wm. Charllick, Romford, Essex, tinman.—John Brown, Bartlett's-buildings, Holborn, London, out of business.—Jas. Eppington, Somers-place, New-road, St. Pancras, Middlesex, carriage broker.

May 28 at 11, before Mr. Commissioner PHILLIPS.

Charles Gay the elder, Watford, Hertfordshire, baker.—James Richmond Smith, New Oxford-st., Middlesex, business agent.—Wm. Douglas Lea, Cambridge-place, Paddington, Middlesex, clerk in the Great Western Railway Company's service.

May 30 at 11, before Mr. Commissioner PHILLIPS.

Fried Tippet Brooker Haine, Princes-square, Kennington, Surrey, bricklayer.—Chas. Chapman, Park-place, Kennington-cross, Kennington-road, St. Mary, Lambeth, Surrey, cooper.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

May 27 at 11, before the CHIEF COMMISSIONER.

William Newton, Arbour-square, Stepney, Middlesex, secretary to a fire and life assurance company.—Valentine Ekins, St. Martin's-lane, Leicester-square, Middlesex, out of business.—James Cushee, Bartholomew-place, Hertford-road, Kingland, Middlesex, dealer in hats.—Charles Strong,

Leadenhall-street, London, perfumer.—Edward Hollingwood Delafosse, Craven-street, Strand, Middlesex, captain on the Reserved List of the Royal Navy on half-pay.

*Adjourned.*

Ebenazer Oliver, Hampton-terrace, Hampstead-road, Camden-town, Middlesex, out of business.—Charles Edward Fox the younger, Gerrard-street, Soho-square, Middlesex, out of business.

*Original.*

May 27 at 10, before Mr. Commissioner LAW.

William Golding, Newton-street, Holborn; Davies-street, Berkeley-square; and Little James-street, Portman-square, Middlesex, gun maker.

*Adjourned.*

Alfred Frankland Callaghan, Penton-street, Haymarket, Middlesex, messenger in the House of Commons.

May 28 at 11, before Mr. Commissioner PHILLIPS.

William Taylor Catt, Canton, Hounslow Barracks, Middlesex, licensed victualler.—Charles Suchling, Sydney-street, Robert-street, and Raven-row, Mile-end, Middlesex, rope manufacturer.—George A. Craven, Clephane-road, St. Paul's-road, Islington, Middlesex, out of business.

May 30 at 10, before Mr. Commissioner LAW.

Alexander Sandiman, White Hart-court, Lombard-street, London, official manager (under the Joint-stock Companies Winding-up Act) of the Direct Exeter, Plymouth, and Devonport Railway Company.—Haughton Forrest, Grafton-street East, Fitzroy-square, Middlesex, clerk in the Secretary's department of her Majesty's General Post-office, St. Martin's-le-Grand, London.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Cambridgeshire, at CAMBRIDGE, May 23 at 10.

Ann Fuller, widow, Great Shelford, out of business.—D. Smith, Cherryhinton, labourer.

At the County Court of Hampshire, at WINCHESTER, May 27.

Geo. Hewlett Tollervey, Portsmouth, and Radmore, near Kingston, Portsea, Southampton, butcher.

At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, May 27 at 10.

Charles Crawford, Gateshead, Durham, builder.

At the County Court of Hertfordshire, at HERTFORD, May 30.

Thomas Abbott Fountain, Hertford, tailor.

At the County Court of Lincolnshire, at LINCOLN, June 7 at 12.

Thomas Garner, Sutton-bridge, near Long Sutton, harbour master.

## INSOLVENT DEBTOR'S DIVIDEND.

George Joy, John-st., Pentonville, Middlesex, at Sturgis's, Court House, Portugal-street, Lincoln's-inn-fields, Middlesex: 20s. in the pound.

TUESDAY, MAY 17.

## BANKRUPTS.

WILLIAM BAKER, Surrey-lane, Battersea, Surrey, builder, May 28 at 1, and July 1 at 12, Court of Bankruptcy, London: Off. Ass. Cannon; Sol. Hughes, 25, Old Jewry.—Petition filed May 12.

VINCENT DEPORTU, Mark-lane, London, merchant, commission agent, dealer and chapman, (trading under the firm of Vincent Deporta & Co.), May 26 at 2, and June 23 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrence & Co., Old Jewry-chambers.—Petition filed May 13.

HENRY YLLAS, Old Broad-street, London, merchant, dealer and chapman, May 30 at 1, and June 28 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Bristow & Tarrant, 2, Broad-court, Walbrook, London.—Petition filed May 7.

**WILLIAM GOLDEN**, New-inn-yard, Old Bailey, and Aldergate-street, London, cheesemonger and cheese factor, dealer and chapman, May 31 at half-past 1, and June 28 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. May, 2, Princes-street, Spitalfields, London.—Petition filed May 13.

**HENRY EDWARDS**, Victoria-road and Powis-road, Brighton, Sussex, builder, May 23 and July 9 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Woods, Brighton; Dimmock & Bursey, 2, Suffolk-lane, London.—Petition filed May 12.

**JOHN WATTS**, Tiverton, Devonshire, hatter and draper, May 25 at 11, and June 16 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Trenchard, Taunton; Stogdon, Exeter.—Petition filed May 14.

#### MEETINGS.

**Wm. Underwood**, High-street, Southwark, Surrey, grocer, May 28 at half-past 12, Court of Bankruptcy, London, sp. aff.—**J. Plimmer**, Chelsea, Middlesex, brewer, May 30 at 2, Court of Bankruptcy, London, aud. ac.—**Henry Butt**, Mortimer-street, Cavendish-square, London, linendraper, May 30 at 11, Court of Bankruptcy, London, aud. ac.—**Alexander Clugson** and **Charles P. Chapman**, Paul's-wharf, Thames-street, London, merchants, May 27 at 2, Court of Bankruptcy, London, aud. ac.—**E. Benjamin May**, Leicester-square, and Albion-place East, King's-cross, Middlesex, linendraper, May 27 at 2, Court of Bankruptcy, London, aud. ac.—**Augustus Alexander Lackersteen** and **William Hamilton Craik**, Moorgate-st., London, merchants, May 28 at 12, Court of Bankruptcy, London, aud. ac.—**Robert Temple**, Brixley, Norfolk, grocer, May 27 at 12, Court of Bankruptcy, London, aud. ac.—**Thos. Chew** and **John Chew**, Little Moorfields, St. Giles, Cripplegate Without, London, livery-stable keepers, May 27 at 1, Court of Bankruptcy, London, aud. ac.—**Wm. Colk**, North Walsham, Norfolk, wine merchant, May 27 at half-past 2, Court of Bankruptcy, London, aud. ac.—**Frederick Ricketts** and **Trevenon James**, Moorgate-street, London, merchants, May 27 at 1, Court of Bankruptcy, London, aud. ac. sep. est. of **T. James**.—**J. August** and **W. August**, Norwich, builders, May 27 at 1, Court of Bankruptcy, London, aud. ac.—**John Law**, Ramsden Wood, near Todmorden, and **Eli Hudson**, Gale, near Littleborough, Lancashire, cotton spinners, June 10 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 17 at 12, div.—**Samuel Buckley** and **George Shortridge**, Macclesfield, Cheshire, millers, May 27 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**David Little**, Liverpool, merchant, May 27 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**George Hirst**, Hornooat, Foolstone, Kirkburton, Yorkshire, manufacturer, May 30 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Edward Whitmore**, **John Wells**, **John Wells** the younger, and **F. Whitmore**, Lombard-street, London, bankers, June 8 at 12, Court of Bankruptcy, London, fin. div. sep. est. of **J. Wells**; June 10 at 12, div. joint est.—**Abraham Cohen**, Houndsditch, London, wholesale clothier, June 10 at 12, Court of Bankruptcy, London, div.—**J. Dunthorn**, Broadwall, Christchurch, Blackfriars-road, Surrey, corn dealer, June 10 at 11, Court of Bankruptcy, London, div.—**Elizabeth Rust**, Fouchers, Good Easter, Essex, brickmaker, June 7 at 1, Court of Bankruptcy, London, div.—**George Ellins**, Droitwich, Worcestershire, salt manufacturer, June 11 at 1, District Court of Bankruptcy, Birmingham, third and fin. div.—**Anthony Guy**, Chippenham, Wiltshire, money scrivener, June 24 at 11, District Court of Bankruptcy, Bristol, fin. div.—**Samuel Buckley** and **Geo. Shortridge**, Macclesfield, Cheshire, millers, June 10 at 12, District Court of Bankruptcy, Manchester, div.—**S. Knight** and **Jas. Knight**, Mold, Flintshire, bankers, June 10 at 11, District Court of Bankruptcy, Liverpool, fin. div.—**Jas. Crocker**, Sherborne, Dorsetshire, innkeeper, June 7 at 11, District Court of Bankruptcy, Exeter, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**William Price**, Bucklersbury, Cheapside, London, eating-house keeper, June 8 at 1, Court of Bankruptcy, London.—**Alex. Walker**, Weston, near Bath, Somersetshire, common brewer, June 14 at 11, District Court of Bankruptcy, Bristol.—**Robert Carr**, Holyhead, Anglesea, licensed victualler, June 7 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

**Jane Emma Spence**, Ladbroke-square, Notting-hill, Kensington, Middlesex, boarding-house keeper.—**Thos. Chew** and **John Chew**, Little Moorfields, St. Giles, Cripplegate Without, London, livery-stable keepers.—**Wm. Colk**, North Walsham, Norfolk, wine merchant.—**Gerard de Witte**, Throgmorton-st., London, commission agent.—**William F. Blackburn**, St. George's-place, Knightsbridge, and Motcombe-st., Belgrave-square, St. George's, Hanover-square, Middlesex, bookseller.—**John Greener** the younger, Wigan, Lancashire, ironmonger.—**Wm. James**, Waterside North, Lincolnshire, chemist.—**T. Hodgson**, Kingston-upon-Hull, shipowner.—**Andrew Lee**, Liverpool, looking-glass manufacturer.

#### PARTNERSHIP DISSOLVED.

**Leonard Wilkinson** and **Henry Kenyon**, Blackburn, Lancashire, attorneys-at-law and solicitors.

#### SCOTCH SEQUESTRATION.

**J. & D. Black & Co.**, Glasgow, warehousemen.

#### DECLARATION OF INSOLVENCY.

**Henry Harding Swain**, Eton, Buckinghamshire, hair cutter, May 28 at 11, Court of Bankruptcy, London.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Benjamin Gadsby**, Birmingham, brushmaker, May 28 at 10, County Court of Warwickshire, at Birmingham.—**Amos Dale**, Birmingham, buckster, May 28 at 10, County Court of Warwickshire, at Birmingham.—**Wm. Simkin**, Birmingham, pearl button maker, May 28 at 10, County Court of Warwickshire, at Birmingham.—**Henry Wm. Budd**, Aston, nigh Birmingham, manufacturer's clerk, May 28 at 10, County Court of Warwickshire, at Birmingham.—**Wm. Radford**, Birmingham, coal dealer, May 28 at 10, County Court of Warwickshire, at Birmingham.—**Geo. Betty**, Bristol, milkman, June 15 at 11, County Court of Gloucestershire, at Bristol.—**Charles Spinks**, Bristol, lodging-house keeper, June 15 at 11, County Court of Gloucestershire, at Bristol.—**James Rigby** the elder, Longton, Trentham, Staffordshire, carpenter, May 25 at 10, County Court of Staffordshire, at Hanley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 1 at 11, before the CHIEF COMMISSIONER.*

**Henry Pummell**, Beckford-row, Walworth, Surrey, fishmonger.—**Mary Gidney**, Newman-street, Oxford-street, Middlesex, dealer in perfumery.—**J. W. Morgan**, Lee-st., Kingland-road, Middlesex, greengrocer.—**George Eckardt**, Half-moon-street, Piccadilly, Middlesex, tailor.—**John Tame**, Great New-st., Fetter-lane, London, law writer.—**Richard Rudge**, Tottenham, Middlesex, plumber.—**The Rev. Robert Lovelace Hill**, King-square, Goswell-street, St. Luke's, Middlesex, incumbent of the District Church of St. Barnabas.

*June 1 at 10, before Mr. Commissioner LAW.*

**H. A. M. Cooke**, Augustus-square, Park-village, Regent's-park, Middlesex, band master of the 2nd regiment of Life Guards.—**Charles H. Moorhouse**, Grove-place, Lisson-grove, Middlesex, comedian.

*Saturday, May 14.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**Charles Stedman**, Norwich, farmer, No. 76,366 C.; R. Smith, assignee.—**James Turner**, Leeds, Yorkshire, grocer, No. 75,928 C.; Amos Freeman and Joshua Brady, assignees.—**Joseph Davis**, Bristol, licensed victualler, No. 75,407 C.; A. Phillips, assignee.—**Thomas Platt**, Manchester, provision-shop keeper, No. 76,377 C.; J. W. Owen, assignee.

Saturday, May 14.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*John B. Wyatt*, Wine-office-court, Fleet-street, London, out of business: in the Queen's Prison.—*Ebenezer Robert Groom*, St. Paul's-place, Walworth-common, Surrey, out of business: in the Queen's Prison.—*Robert Howell Williams*, Portland-place, Cambridge-heath-road, Middlesex, clerk: in the Debtors Prison for London and Middlesex.—*Frederick B. Lactwood*, South Audley-st., Grosvenor-sq., Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Robert Peckham*, Nelson-sq., Blackfriars-road, Surrey, stonemason's clerk: in the Queen's Prison.—*H. Bent*, Holywell-street, Millbank, Westminster, Middlesex, grocer's assistant: in the Debtors Prison for London and Middlesex.—*Joseph M. Bridgman*, Mansfield-street, Kingsland-road, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*Henry Winter*, College-place, Camden-town, Middlesex, in no business: in the Queen's Prison.—*John Thomas Keel*, Priory-road, Wandsworth-road, Surrey, grocer: in the Debtors Prison for London and Middlesex.—*Asher Barnett*, Lamb-st., Spitalfields, Middlesex, confectioner: in the Debtors Prison for London and Middlesex.—*Susannah Broome*, Harley-street, Cavendish-sq., Middlesex, assistant to a boarding-house keeper: in the Debtors Prison for London and Middlesex.—*Thomas Edwards*, Rugby, Warwickshire, cabinet maker: in the Gaol of Coventry.—*Charles W. Eastwood*, Winchester, Southampton, out of business: in the Gaol of Winchester.—*Edward Minnitt*, Gorton, Nottinghamshire, out of business: in the Gaol of Nottingham.—*John Kindred*, Framlingham, Suffolk, miller: in the Gaol of Suffolk.—*John Midgley*, Hebden Bridge, Lanes, near Halifax, Yorkshire, shopkeeper: in the Gaol of York.—*John Steel*, Bradford, Yorkshire, bootmaker: in the Gaol of York.—*James Hayes*, Linc, near Wigan, Lancashire, grocer: in the Gaol of Lancaster.—*Prudence Keay*, widow, Balsall Heath, Worcestershire, out of business: in the Gaol of Worcester.—*Samuel Taylor*, Bristol, Gloucestershire, auctioneer: in the Gaol of Warwick.—*Joseph Robson*, Abergavenny, Monmouthshire, beer seller: in the Gaol of Monmouth.—*Michael Sheeran*, Liverpool, shoemaker: in the Gaol of Lancaster.—*Thomas Gardner* the elder, Horsepools, Painswick, Gloucestershire, farmer: in the Gaol of Gloucester.—*Wm. Elliott Williams*, Gravesend, Kent, shopman to a grocer: in the Gaol of Maidstone.—*George Knowles*, Manchester, baker: in the Gaol of Lancaster.—*J. Hindle*, Preston, Lancashire, furniture broker: in the Gaol of Lancaster.—*Thos. Wild*, Manchester, chemist: in the Gaol of Lancaster.—*Thomas Pownall*, Hindley, near Wigan, Lancashire, clogger: in the Gaol of Lancaster.—*Robert Kellett*, Wigan, Lancashire, land surveyor: in the Gaol of Lancaster.—*George Bentham*, Wrexham, Denbighshire, bookkeeper: in the Gaol of Lancaster.—*James Newton*, Openshaw, near Manchester, licensed victualler: in the Gaol of Lancaster.—*Thos. Ostler*, Chorlton-upon-Medlock, Manchester, grocer: in the Gaol of Lancaster.—*Edward Marks*, Liverpool, tailor: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

May 31 at 11, before the CHIEF COMMISSIONER.

*Wm. H. Bidmead*, Brownlow-st., Middlesex, engraver.—*John Purvis*, Golden-lane, St. Luke's, Middlesex, baker.

June 1 at 10, before Mr. Commissioner LAW.

*James Rumball*, Stamford-hill, Middlesex, grocer.—*Henry W. Robinson*, Bayham-st., Camden-town, Middlesex, omnibus conductor.—*Thomas Dawson*, Castle-street, Falcon-square, Aldersgate-st., London, out of business.—*Christopher Wm. Barber*, Ramsgate, Kent, surgeon.

June 2 at 11, before Mr. Commissioner PHILLIPS.

*Adolphus Kaul*, Long-acre, Middlesex, watchmaker.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Nottinghamshire, at NOTTINGHAM, June 9 at 9.

*Edward Minnitt*, Gorton, farm labourer.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—*Thurston George Dale*, of Lincoln, in and for the city of Lincoln and county of the same city, also in and for the Parts of Lindsay and Parts of Kesteven, in the county of Lincoln; *Joseph Noakes Mourilyan*, of Sandwich, Kent, in and for the county of Kent.

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# The Jurist

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LONDON, MAY 28, 1853.

THERE are some points in the Charitable Trusts Bill (of which we gave an analysis in *THE JURIST* of the 14th inst.) which appear to us objectionable; in particular we allude to the 32nd section, by which jurisdiction is given to county courts over charities whose incomes do not exceed 20*l.* a year. If the Court of Chancery retained now its antique cumbrousness; if, as of yore, accounts could not be taken, except through a decree referring it to the Master, &c.; if a trustee could not be appointed or dismissed without a petition, an inquiry before the Master, a Master's report, and a confirmatory order; if all these things still were, it might be well to call in aid the jurisdiction of county courts when the income of a charity is such that the smallest assistance of the High Court of Chancery would have swallowed up two or three years' income. But as the whole course of modern legislation has been addressed, and successfully addressed, to the removal of these cumbrous qualities from the Court of Chancery, it seems singular, and mischievous, now to deprive the smaller charities of the advantage of being regulated by the judges of the superior courts, when that regulation may be obtained as cheaply and as readily as it can in the county courts.

It is sufficiently obvious, that, except with the smallest and simplest matters in relation to charities, the county courts are not adapted to deal with—that is, they are not well adapted to adjudicate upon—any ques-

tions involving difficult points of equity, or, as sometimes happens in charity cases, of conveyancing; first, because those courts have no equitable machinery, and are not at all accustomed to equity business; secondly, because from their very nature, and from the fact of the majority of them being provincial, the agents habitually practising in them are not familiar with equity business, and the assistance of equity or conveyancing counsel will be almost inaccessible.

So that, as we have said, for any contentious business the county courts will not be well fitted; and for business of course, such as the appointment of new trustees, when there is no great contest, the variation of an old or the adoption of a new scheme in simple cases, or the like, a proceeding by summons before a judge in chambers would be as cheap and as expeditious, and we apprehend more satisfactory.

Indeed, so little does the Legislature seem itself to confide in the county courts, that, by the 35th section, it will not even allow them finally to appoint new trustees, or to settle a scheme without the confirmation of the board; so that the only thing that could be of material advantage in sending local charities to the county courts—viz. avoiding the expense of sending papers to London, and employing London agents—will not be avoided.

The great objection, however, to giving to the county courts jurisdiction under this act is not so much that in the particular cases it seems to offer no advantages, as that the giving to the county courts any portion of the

jurisdiction of the Court of Chancery is mischievous to the principle of recent legislation, and tends to check the improvement of the Court of Chancery. That improvement is essentially based on the notion of simplifying proceedings so as to adapt the Court to dispose of all business matters with the least possible amount of form and delay; that is, with only just so much of form as is necessary to preserve regularity.

The idea that the Court of Chancery is intended only for great disputes about vast amounts has been blown away. The attempt has been made, and, as we have said, to a great extent successfully made, to alter the machinery, so that its principles may be applied to the disputes of small as well as of large proprietors; but if the smaller subjects of equity jurisdiction are removed, little by little, from the Court of Chancery to county courts, the anxiety to improve the Court of Chancery will lose its stimulus, and that Court will probably retrograde, instead of advancing in usefulness. We do therefore deprecate this commencement of giving an equity jurisdiction to the county courts.

It is true that we have often in the pages of *THE JURIST* advocated giving an equity jurisdiction to county courts; but that was at a time when the Court of Chancery was not improved, and when it seemed hopeless that it would ever be improved. We advocated giving an equitable remedy, in cases where then it was practically unattainable. We urged the employment of smaller equity machines when the principal machine was so cumbrous that for certain work it was useless; but when the principal machine has been improved and polished, for the express purpose of making it take light as well as heavy work, it does not seem very wise to begin taking the light work away from it.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—My attention has only recently been called to a remark which you have appended to a letter of mine in *THE JURIST* of the 7th inst., in which you say that the propositions in my pamphlet, "Shall we Simplify our Titles?" are mere sketches of some of the main features of Mr. Wilson's plan, part of which is, that the absolute dominion over the fee shall devolve on the executor or administrator. As the charge of plagiarism is a serious one, and as my plan is attracting considerable attention, I am sure you will feel bound to acknowledge that you have misunderstood it, and that, whatever may be its merits or demerits, it differs altogether from Mr. Wilson's.

That gentleman proposes that estates shall be held under certificates granted by Government officials, which will shew that such and such lands are held in fee by A., and when he mortgages to B., the old certificate is to be surrendered, and two new ones granted—one to B., shewing that he is entitled to a mortgage on the lands; and another to C., shewing that, subject to the mortgage, he holds on fee.

This principle is, of course, as readily adapted to sales, leases, &c., as to mortgages; but to meet an obvious difficulty with respect to wills, Mr. Wilson, as you state, proposes that lands shall pass absolutely to executors or administrators, in which suggestion there is no novelty whatever.

My principle is totally different, and is founded on my having observed the simplicity given to titles to leasehold estates and to attendant terms of years by

the rule of law which vests such properties, for the purpose of sale or transfer, in executors or administrators *virtute officii*, so that every one knows what powers they have, without looking into the will further than to ascertain their names. Hence, I propose that in all transfers of property, whether by deed or will, the parties shall name a person or persons to whom alone future purchasers shall look for a title; and in case no such person shall be named, I authorise the registrar to determine, by arrangement with the parties, in whom this power of transfer shall be vested, on similar principles to those which regulate the appointment of administrators by the Ecclesiastical Court. Surely you must in candour admit that these two plans are essentially different.

I am, Sir,  
Yours very obediently,  
A CONVEYANCING BARRISTER.

May 24, 1853.

In order that such of our readers as may not have met with this pamphlet may fully understand the "Conveyancing Barrister's" plan, we insert the following extract:—

"I will call attention to a principle which has from time immemorial been in operation respecting lands held under leases for terms of years, and which has been found greatly to simplify and cheapen titles thereto. Though every one knows what an enormous amount of property is now held on this tenure, few but professional persons may be aware how limited is the power of a testator over it, and that the very same clauses in his will which tie up his freehold lands so securely as to insure their remaining long in his family, are absolutely ineffectual to prevent his executors or administrators from selling his leasehold estate, if they think fit to do so: for the law vests it absolutely in them, on the assumption that it may be required for payment of debts; but no purchaser is obliged to ascertain whether any debts exist; and even though it may be notorious that none are due, still a sale is good. A power can scarcely be more absolute than this; and it is worthy of remark, that where the person named as executor refuses to act, or where no executor is named in the will, the law gives the same authority to an administrator, appointed, not by the testator, but by the Ecclesiastical Court. The obvious consequence is, that in selling leaseholds for years which have passed under a will, it is not necessary to do more than shew who was the executor or administrator; whereas, in the case of a devise of freehold property, every clause relative thereto must be abstracted and examined into, at great cost both to vendor and purchaser, and to the serious risk of the latter in case mistakes should be made. So far, therefore, the principle has worked well; and extensive as have been the recent changes in the law regarding wills, no one has wished to alter it in this respect. Why, then, should not the same principle be carried still further, and extended to all wills transferring landed property; and if applicable to all such wills, why not to all such deeds? The essence of the following suggestions will be found to lie in the very simple proposition, that as probate of a will is now granted only to administrators approved of by the ecclesiastical authorities, or to executors appointed by the testator, which administrators or executors immediately acquire, *virtute officii*, great powers over leasehold and other personal property, even though the same may be specifically bequeathed to other parties; so registration of instruments transferring land shall only be granted to persons appointed on similar principles, and in whom similar but much more limited powers shall at once be vested.

"In order, therefore, to shew how this principle can be carried into practical effect, I venture to suggest,

that, subject to certain provisions hereafter explained, and intended for the protection of persons now entitled to partial interests in land, the law shall be altered to the following effect:—

"1. Let the registrar your Lordship proposes to appoint recognise no other interests in land than immediate estates in fee simple or for years.

"2. Let power be given to persons, executing transfers of landed property by deed or will, to nominate the parties who are to be registered as transferees, and let the estate vest in such parties by force of this nomination alone, for the limited purposes of registration and facility of future transfer, in the same way as leaseholds for years now vest in him who is nominated executor of a will, even though they may be thereby specifically bequeathed to a totally different person.

"3. When deeds or wills contain no such nomination as above suggested, and also in cases of intestacy, let the registrar have a power similar to that now exercised by the ecclesiastical authorities with respect to wills in which no executor is named, and let him determine who is best entitled to be registered as transferee.

"4. Let a transfer by the person registered as transferee of an instrument be conclusive, except in cases of fraud, against all persons claiming under such instrument, just as a sale of leasehold property by the executors is conclusive against all persons claiming under the will.

"5. When the name of the person who is to be registered as transferee has been ascertained, let it be obligatory on the registrar to enrol a memorial of every transfer which may be presented to him; and let the mere fact of such registration be conclusive evidence, in favour of future purchasers and mortgagees, that the other parties who executed any such transfer passed the whole interest in the land which they had power to convey to the registered transferee, unless the document itself shall only purport to create a lease or sublease for years.

"6. Let it be competent for any person, claiming an interest in the property comprised in any registered deed or will, to enter on the register a caveat referring to such instrument, and having an effect similar to that of a distringas upon stock, in restraining the registered transferee from alienating the land without due notice being given to the person entering such caveat."

We confess we are still so dull as not to see the difference in principle between this plan and Mr. Wilson's. Each proceeds on the notion of creating a nominal owner, in whom the legal title is to vest, and whose transfer is to be conclusive; leaving the equities to the purchase money to be settled without the purchaser having to look into them. The machinery is different, but the principle is in both cases drawn from the same sources.

#### REGISTRY OF COUNTY COURTS' JUDGMENTS.

In pursuance of the act 15 & 16 Vict. c. 54, relating to proceedings in the county courts, the Lords Commissioners of her Majesty's Treasury (with the view of affording to traders a ready means of ascertaining the solvency of parties, and to enable executors and administrators to discover what judgment debts they are bound to satisfy) have established an office at No. 1, Parliament-street, Westminster, wherein the name, address, and occupation of every party against whom a judgment has been recorded since March, 1847, in any of the county courts throughout England and Wales, for 10l. and upwards, and which remains unsatisfied, has been registered; and wherein also the name, &c. of every party against whom a judgment

may hereafter be obtained in the said courts will be immediately registered.

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	s.	d.
For each search personally made .....	1	0
For each search obtained by letter addressed to the registrar, (postage stamps may be inclosed), or through the clerk of any county court who will correspond with the office in London .....	2	0
For having the record of any judgment removed from the register, to be paid to the clerk of the court in which the judgment is satisfied .....	1	6

#### Court Papers.

#### EQUITY CAUSE LISTS, TRINITY TERM, 1853.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

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*Before the LORD CHANCELLOR.*

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*Before the LORDS JUSTICES.*

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Evans v. Evans (F D, C)	Cartar v. Taggart (9 causes, F D, C)
Bonfil v. Purchase (F D)	Parkin v. Wightwick (F D, C)
Parker v. Sowerby (F D, C)	Waugh v. Wyche
Fullerton v. Martin (F D, Ptn)	Winthrop v. Elderton
Dickenson v. Peacock	Jones v. Roberts (Cl)
Hitchcock v. Hitchcock After Terms	Clark v. Taylor (M for decree)
Cook v. Gregson (2 Cls)	Mander v. Williams
Trimmer v. Danby	Briggs v. Gordon
Day v. Day (Special case)	Bennett v. Powell (M for dec.)
Forder v. Bowman	Manier v. Cory (Cl)
Falk v. Gibson	Heath v. Chapman (F D, C)
Moodie v. Banister	Burgess v. Burgess (M for decree)
Heaphy v. Heaphy (F D, C)	Green v. Martin
Coxon v. Coxon (F D, C)	Leigh v. Byron (Cl)
Groom v. Booth (Special case)	Johnson v. Tucker (4 causes)
Whitehead v. Bennett { 7 ca.	Taplin v. Johnson (F D, C)
Same v. Whitehead { F D, C)	Footner v. Cooper (M for decree)
Clements v. Bowes	Gwenanap v. Burns (F D, C)
Davey v. Bayfield (F D, C)	Proctor v. Cooper
Caton v. Everall (Cl)	Hodson v. Micklethwaite (Cl)
Richardson v. Richardson (4 causes, F D, C)	Bennett v. Goudie (E, F D)

D'Almaine v. Moseley (F D, C)  
Westbrooke v. Knight (F D, C)  
Sudlow v. Dod (E)  
Mathison v. Clark  
Fox v. Harding

Hall v. Langley (F D, C)  
Watkins v. Hitchcock (E, F D)  
Delahoy v. Lovejoy (Further consideration)  
Boileau v. Crane (F D, C)  
Bradley v. Snowdon SA.

*Before Vice-Chancellor STUART.*

Mellersh v. Bridger } (Part  
Smith v. Same } heard)  
Evans v. Bath (Part heard)  
Jones v. Tynte (2 causes)  
Harvey v. Bateman  
Sankey v. Sayer (Cl)  
Nottidge v. Tebbs  
Paddon v. Richardson *After T.*  
Bishop of Down v. Clark (Cl)  
Gibson v. May  
Youngs v. Burt *June 2*  
Corbett v. Jaundrell (F D, C)  
Boyes v. Boyes } (F D, C)  
Same v. Ringrose }  
Rashleigh v. Mount (F D, C)  
Martin v. Martin (E) *After T.*  
Cawood v. Thompson (F D, C)  
Single v. Terrel (E, F D)  
Stevens v. Goodluck (Further consideration)  
Stahlschmidt v. Lett (E, 2 sets, F D)  
Attorney-Gen. v. Thompson  
Fry v. Gilbert (Cl)  
Powdrell v. Jones  
Jordan v. Jones (F D, C)  
Perks v. England (F D, C)  
Holmes v. Percival (Cl)  
Hartley v. Barrowclough  
Taylor v. Butler (F D, C)  
Deudon v. De Massals  
Same v. Chawner }  
Blackburrow v. Ravenhill (2 causes)  
Winkworth v. Kennett  
Nicholson v. Taylor (Cl)  
Harris v. Aldridge (F D, C)  
Leigh v. Byron  
Paske v. Paske  
Laslett v. Cliffe (M for decree)  
Wykes v. Higginson (F D, C)  
Oliver v. Wright  
Harvey v. Bishop (F D, C)  
Clarke v. Willey (Cl)  
Heyne v. Tyler (F D, C)  
Tuder v. Morris (Cl)  
Fellows v. Fellows (F D, C)  
Bryson v. Warwick and Birmingham Canal Navigation Co. }  
Same v. Grice }  
Chambers v. Dibbin (2 causes)  
Farley v. Woodman  
Barnes v. Forsyth (Further consideration) SA  
Edwards v. South Wales Railway Co. (Cl)  
Thompson v. Norris

Smith v. Beasley } (E, F D)  
Sturgis v. Same }  
Major v. Morley (F D, C)  
Gotlieb v. Cranch  
Rushin v. Fairbrother (F D, C)  
Webster v. Webster (D, part heard)  
Rees v. Rees (Cl)  
Gawthorne v. Goodale } (E, F D)  
Goodale v. Same }  
Gabb v. Comely } (2 causes, Ptn)  
Same v. Chandler }  
Thompson v. Portbury Pier Railway Co.  
Cable v. Cooper  
Lawson v. Barton (F D, C)  
Hutchinson v. Taylor (F D, C)  
Ford v. Robinson (F D, C)  
Morris v. Lloyd (Further con.)  
Charlton v. Robson (Cl)  
Osler v. Osler  
Mesnard v. Welford  
Pomeroy v. Ayshford (F D, C)  
Powles v. Hargreaves  
Miner v. Baldwin (F D, C)  
Domville v. Bayley (M for decree)  
Barnes v. Laing (F D, C)  
Clark v. Phillips (F D, C)  
Taylor v. Somersall  
Wallis v. Bastard (Cl)  
Davies v. Evans (F D, C)  
Hayman v. Hayman (F D) SA  
Marsden v. Blundell (F D) SA  
Pitt v. Pitt (F D, C)  
Wright v. Massey  
Same v. Adshead  
Same v. Barber  
Same v. Slater  
Same v. Worth  
Same v. Allman  
Same v. Wood  
Same v. Barlow  
Hamilton v. Marks  
Hickman v. Adamson  
Plumbe v. Plumbe (E)  
Gunn v. Saville (F D, C)  
Lea v. Smith (Cause)  
Same v. Same (F D)  
Wallis v. Wallis (Cl)  
Lewis v. Davis  
Chapman v. Nicholson (M for decree)  
Pattison v. Pattison (Cl)  
Dawes v. Jacobs (Cl)  
Layton v. Layton  
Bayley v. Evans.

Dipple v. Corles  
Attorney-Gen. v. Clapham  
Mann v. Fuller (F D, C)  
Rogers v. Mort (Further con.)  
Allen v. Coppold (Cl)  
Pickering v. Slatter (Cl)  
Howell v. Price (M for decree)  
Hawksbee v. Hawksbee (Cl)  
Smith v. Smith (Cl)  
Deaville v. Deaville (Further consideration)  
Petty v. Petty (Cl)  
Crawford v. Bott (Cl)  
Major v. Tippitt (Cl)  
Wyndham v. Fane (Sp. case)  
Lane v. Debenham (Sp. case)  
Warter v. Anderson  
Goodbody v. Ward (Cl)  
St. Paul v. Birmingham, Wolverhampton, and Stour Valley Railway Co.  
Watkins v. Horton (Sp. case)  
Goodlad v. Burnett (Cl)  
Colquhoun v. Collinson }  
Marsh v. Same }  
Holford v. Gate }  
Same v. Nibble }  
Bentley v. Robinson  
Ames v. Ames (Special case)  
Sheppard v. Joynes (Cl)  
Carter v. Hind  
Forbes v. Forbes  
Mann v. Anderson (F D, C)  
Jones v. Bonney

Clifford v. Clifford  
Spike v. Mannors  
Hargreaves v. Wright  
Gronow v. Lettson (Sp. case)  
Hibbert v. Balchin (Cl)  
Chance v. Garry  
Goldsmith v. Goldsmith (F D, C)  
Pearson v. Wilcox (Cl)  
Mounsey v. Irving (M for dec.)  
Saunders v. Walker (Further consideration)  
Fox v. Harding  
Kavanagh v. Morland (Sp. ca.)  
Charlton v. Rendall (M for decree)  
Hanman v. Riley (Further consideration)  
Smith v. Hurlbuck  
Price v. Johnson (Cl)  
Burke v. Annis (Special case)  
Williams v. Morgan (M for decree)  
Hartridge v. Austin  
Redhead v. Brayshaw (Cl)  
Evans v. Jones  
Burrell v. Marquis Cholmondeley  
Abraham v. Sharpe (Cl)  
Fraser v. Patrickson  
Norton v. Stinkopf (M for decree)  
Smeed v. Scott } (To be advd.)  
Scott v. Smeed } *May 26.*

**Rolls Court.**

**JUDGMENTS.**

Att.-Gen. v. Chaplains of Ewelme Almshouses } (Information)  
Att.-Gen. v. Napier }  
Johnson v. Smiley (E)

**CAUSES, &c.**

Att.-Gen. v. St. Cross Hospital, near Winchester (Cause, part heard)  
Broomhead v. Vaux (Cause, part heard)  
May v. Biggenden (Cause)  
Hele v. Bexley (7 tits., F D, C)  
Gwynne v. British Peat Charcoal, &c. Co. (Cl) *May 28*  
Richards v. Richards (Cl) *May 28*  
Woolley v. Dudley Waterworks Co. (Cl) *June 11*  
Beale v. Symonds (5 titles, F D, C) *June 11*  
Playfair v. Cooper (M for decree with Prince Cooper)  
Best v. Tynte } (Cause)  
Best v. Tynte }  
Davis v. Barrett (3 tit., F D, C)  
Johnson v. Smiley (F D, C)  
Haigh v. Jagger (4 titles, F D, C)  
Cross v. Thomas (Cause)  
Smith v. Richards } (F D, C)  
Smith v. Francis }  
Smith v. Clay (Cause)  
Jennings v. Broughton (Cau.)  
Phillips v. Turner (Sp. case)  
Burton v. White (F D, C)  
Grace v. Smith (F D, C)  
Risk v. Starkey (F D, C)  
Leicester v. Newman (F D, C)  
Hewett v. Snare } (F D, C)  
Hewett v. Snare }

Sandilands v. Matheson (F D, C)  
Wilkinson v. Garrett (F D, C)  
Long v. Eastern Union Railway Co. } (F D, C)  
Eastern Union Railway Co. v. Long }  
Paine v. Larchin (E, F D, C)  
Morris v. Morris (Sp. case)  
Hewson v. Ackrill (F D, C)  
Cust v. Goring (Cause)  
Watson v. Davies (3 titles, F D, C)  
Allen v. Bratt (Cause)  
Sinclair v. Jackson (E, F D, C)  
Clark v. Berington } (Cause)  
Clark v. Berington }  
Davies v. Griffiths (E)  
Att.-Gen. v. Trevelyan (5 tit.)  
Earle v. Earle (Cause)  
Naylor v. Edwards (Cause)  
Heaby v. Bruce (Cause)  
Furnival v. Bleden (Further consideration)  
Cheslyn v. Price } (Cause)  
Price v. Williams }  
Hall v. Williams }  
Edwards v. Carey (F D, C)  
Bailey v. Dowding (Further consideration)  
Gerry v. Wakefield (Cause)  
Atherton v. Crowther } (Ca.)  
Atherton v. Chawner }  
Williams v. Williams (M for decree)  
Sherwin v. Shakspear (Cause)  
Wade v. Wade (5 tit., F D, C)  
Bowyer v. Fern (Further con.)  
Patterson v. Huddart (Special case)  
Chandler v. Pipe (M for dec.)  
Gathercole v. Fyfe (F D, C)

*Before Vice-Chancellor Sir W. P. Wood.*

Chaffers v. Headlam (E to an.)  
Walters v. Official Manager of the Northern Coal Mining Co. (E to answer)  
Purkis v. Edwards (Cl, part heard)  
Craib v. Clark  
Ewart v. Ewart (Special case)  
Brown v. Atkinson (Cl)  
Ward v. Miles (Cl)  
Bird v. Fox (Cl, part heard)

Dalrymple v. Hannah (Cl)  
Douglas v. Burdekin (3 causes)  
Windsor v. Cross (F D, C)  
Hodgson v. Browning (Cl)  
Adkins v. Piper (Cl)  
Brook v. Brook  
Aspinall v. London & North-western Railway Co. *June 1*  
Fawcett v. Argent (3 causes)  
Tubb v. Penton (M for decree)  
Wigan v. Roland (M for dec.)

routhbeck v. Foster (F D, C)  
 ouldin v. Reid (F D, C)  
 larris v. Viner (F D, C)  
 ookson v. Bingham (Cause)  
 lby v. Davy (Cl)  
 aurence v. Baldock } (Re-  
 aurence v. Laurence } hear.)  
 garr v. Egarr (Cause)  
 ilbert v. Gilbert (M for dec.)  
 regleton v. Mousely } (M for  
 une v. Same } dec.)  
 obinson v. Webb (Cause)  
 tt.-Gen. v. Field (Cause)  
 ibson v. Lindsay (Cl)  
 empson v. Kempson (M for  
 decree)  
 ashby v. Ellis } (Cause)  
 ashby v. Ellis }  
 enderson v. Kipling (Cl)  
 hapman v. Cannon (Cause)  
 itchell v. Westerman (Cl)  
*First Claim-day after Term*  
 laker v. Read } (Cause)  
 laker v. Clement }  
 ork and North Midland Rail-  
 way Co. v. Hudson (Cause)  
 bach v. Greaves (Further  
 consideration)  
 Watkins v. Michell } (Cause)  
 Watkins v. Michell }  
 Lewis v. Lewis } (F D, C)  
 Lewis v. Reynolds }  
 tt.-Gen. v. Wilkins (M for  
 decree)  
 lapworth v. Tasker (Further  
 consideration)  
 Holdsworth v. Baylden (F D,  
 C)  
 Plaker v. Gordon (Cause)  
 Hooper v. Barry (M for dec.)  
 Kewney v. Bradshaw (F D, C)  
 Parr v. Gaskell } (M for de-  
 Parr v. Gaskell } cree)  
 Naylor v. Robson } (F D, C)  
 Naylor v. Robson }

Att.-Gen. v. Mason (Cause)  
 Shipster v. Butler (Cause)  
 Castle v. Castle } (Cause)  
 Castle v. Castle }  
 Douthwaite v. Spensley (Ca.)  
 Downe v. Downe (F D, C) *SA*  
 Priestly v. English (Cause)  
 Thompson v. Cotsworth (F D,  
 C)  
 Blakeney v. Dufair (Cause)  
 Fletcher v. Bromiley (Cl)  
 Fletcher v. Walker (Cl)  
 Fletcher v. Holt (Cl)  
 Att.-Gen. v. Slack (Cause)  
 Gladwin v. Gladwin (F D, C)  
 Seney v. Allen (F D, C)  
 Gosling v. Townsend (3 titles,  
 F D, C)  
 Macnab v. Whitbread (F D, C)  
 Wheeler v. Addams (M for  
 decree)  
 Sparke v. Eastern Union Rail-  
 way Co. (Cause)  
 Lowe v. White (Cl)  
 Walker v. Jones (Cause)  
 Cape v. Forbes (F D, C)  
 Matthews v. Swallow } (Cl)  
 Matthews v. Swallow }  
 Morton v. Verity (Further  
 consideration)  
 Fielding v. Robley (F D, C)  
 Elkins v. Toleman (Cause)  
 Phillips v. Borrow (Cause)  
 Langley v. Hall (Cause)  
 Dendy v. Cross (F D, C)  
 Younger v. Clayton (4 titles,  
 F D, C)  
 Rowlands v. Hutton (F D, C)  
 Sheffield Gas Consumers Co.  
 v. Harrison (Cl)  
 Griesback v. Freemantle (Cl)  
 Stevens v. Van Voorst (Cause)  
 Beardshaw v. Freeman (Cause)  
 Downing v. Burgess (Cl, M  
 for decree).

June 14 at 11, Court of Bankruptcy, London, last ex.—*H. Grant*, Lowther-arcade, Middlesex, wine merchant, June 8 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Price*, Bucklersbury, Cheapside, London, eating-house keeper, June 8 at 1, Court of Bankruptcy, London, aud. ac.—*Charles Weismann and Henry John M. Meyers*, Philpot-lane, Fenchurch-street, London, commission merchants, June 8 at 12, Court of Bankruptcy, London, aud. ac.—*Benjamin Witt*, Wimborne Minster, Dorsetshire, brewer, June 8 at 12, Court of Bankruptcy, London, aud. ac.; June 10 at 1, div.—*Wm. West and John West*, Donnington, Lincolnshire, linendrapers, May 31 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Martin*, Colchester, Essex, tailor, May 31 at 12, Court of Bankruptcy, London, aud. ac.—*John Webb*, Rugby, Warwickshire, brazier, June 2 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; June 29 at 12, div.—*Charles Davies*, Worcester, innkeeper, June 2 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Robert Brown*, Gravel-lane, Southwark, Surrey, and St. Mary-at-Hill, London, basket maker, June 14 at half-past 11, Court of Bankruptcy, London, div.—*Wm. John Bowden*, Ware, Hertfordshire, apothecary, June 14 at 12, Court of Bankruptcy, London, div.—*William Frederick Blackburn*, St. George's-place, Knightsbridge, and Motcombe-street, Belgrave-square, Middlesex, bookseller, June 14 at 1, Court of Bankruptcy, London, div.—*Wm. H. Chidwick*, Dover, Kent, tobaccoconist, June 14 at 11, Court of Bankruptcy, London, div.—*Jas. T. Wheatley*, Cranmer-place, Waterloo-bridge-road, Surrey, lighterman, June 10 at half-past 12, Court of Bankruptcy, London, div.—*Joseph Alfred Riches*, Halesworth, Suffolk, maltster, June 11 at 12, Court of Bankruptcy, London, div.—*Edwin Hills*, St. Mary's-road, Peckham, Surrey, charcoal burner, June 14 at 2, Court of Bankruptcy, London, fin. div.—*Robert Liddell*, Doncaster, Yorkshire, saddler, June 11 at 11, District Court of Bankruptcy, Sheffield, div.—*E. H. Ruddock and H. Ebison*, Bradford, Yorkshire, marble masons, June 11 at 11, District Court of Bankruptcy, Sheffield, div.—*Alfred Platts*, Sheffield, Yorkshire, tailor, June 11 at 11, District Court of Bankruptcy, Sheffield, div.—*A. W. J. Cavalier*, Attercliffe, near Sheffield, Yorkshire, sugar refiner, June 11 at 11, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. J. Bowden*, Ware, Hertfordshire, apothecary, June 14 at 12, Court of Bankruptcy, London.—*G. Hodge*, Ticehurst, Sussex, builder, June 14 at 1, Court of Bankruptcy, London.—*John H. Rolfe*, Faversham, Kent, hosier, June 14 at 12, Court of Bankruptcy, London.—*George Augustus Eades*, Landport, Portsmouth, Hampshire, grocer, June 10 at half-past 12, Court of Bankruptcy, London.—*Thomas Thorne* the younger, Hastings, Sussex, plasterer, June 10 at half-past 11, Court of Bankruptcy, London.—*J. Llewellyn*, Bristol, haberdasher, June 15 at 11, District Court of Bankruptcy, Bristol.

*To be granted, unless an Appeal be duly entered.*

*Charles Davies*, St. Clement, Worcestershire, innkeeper.—*Edward Price*, Birmingham, livery-stable keeper.

## SCOTCH SEQUESTRATION.

*Adam B. Todd*, Kilchattan, Bute, and Welhill, New Cumnock, Ayrshire, brick manufacturer.

## PETITIONS ANNULLED.

*Robert Wood*, Commercial-place, near the Lime-kilns, Lewisham-road, Greenwich, Kent, cheesemonger.—*Joseph Greenwood and Benjamin Greenwood*, Bradford, Yorkshire, worsted spinners, (carrying on business under the style or firm of J. & B. Greenwood).

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Cheshire Glover*, Shifnal, Shropshire, attorney-at-law, June 18 at 10, County Court of Shropshire, at Madeley.—*Wm. Paxton*, Greasley, Nottinghamshire, butcher, June 9 at 9, County Court of Nottinghamshire, at Nottingham.—*Wm. H. Morrison*, Nottingham, commercial traveller, June 9 at 9, County Court of Nottinghamshire, at Nottingham.—*R. Newlyn* the younger, Winchester, Southampton, common carrier, May 27 at 11, County Court of Hampshire, at Winchester.—*Robert Willis*, Winton, near Manchester, mechanic,

## LONDON GAZETTES.

FRIDAY, MAY 20.

## BANKRUPTS.

**ROBERT LOCKYER**, Maidstone, Kent, licensed victualler and retailer of wines and spirits, plumber, painter, and glazier, dealer and chapman, May 27 at 2, and June 27 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Southgate & Son, Gravesend; Johnson, 17, Great James-street, Bedford-row.—Petition filed May 12.

**JOHN THOMAS DAVISON**, Chatham, Kent, grocer and cheesemonger, dealer and chapman, May 27 and June 27 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Prall, Chatham; Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Petition filed May 18.

**DANIEL ELLIOTT HEDGER**, City-road, Middlesex, watch manufacturer and dealer in watches, dealer and chapman, May 30 at 2, and July 1 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Spyer & Son, 30, Broad-street-buildings.—Petition filed May 9.

**JOHN ROBERTS**, Stratford-upon-Avon, Warwickshire, builder, May 31 and June 28 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hobbes & Slater, Stratford-upon-Avon; Motteram & Knight, Birmingham.—Petition dated May 2.

**EMANUEL CUNLIFE**, Goodshaw Fold, Higher Booths, near Burnley, Lancashire, cotton spinner, manufacturer, and grocer, dealer and chapman, May 30 and June 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Frazer; Sols. Taylor, Manchester; Hartley, Burnley.—Petition filed May 11.

## MEETINGS.

*William Austin*, Grove, Great Guildford-street, Southwark, and New-street, Southwark-bridge-road, Surrey, iron founder,



June 13 at 11, County Court of Lancashire, at Manchester.—*Edmund Millard*, Fenny Stratford, Bletchley, Buckinghamshire, plumber, May 27 at half-past 10, County Court of Hertfordshire, at St. Albans.—*Adam Burrow*, Keelby, near Great Grimsby, Lincolnshire, out of business, June 14 at 11, County Court of Lincolnshire, at Caistor.—*Wm Clayton*, Warrington, Lancashire, currier, June 2 at 10, County Court of Lancashire, at Warrington.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 31 at 10, before Mr. Commissioner LAW.*

*Rehearing.*

*James Scott*, Myrtle-st., Hoxton, Middlesex, commission agent.

*June 3 at 11, before the CHIEF COMMISSIONER.*

*Joseph Lickfold*, Jacob-st., Dockhead, Bermondsey, Surrey, out of business.—*Thos. Dally*, Waterloo-place, Albany-road, Camberwell, Surrey, attorney's clerk.—*John Dixon*, Poland-street, Oxford-st., Middlesex, tailor.—*John Reynell Rigby*, Kingsland, Middlesex, clerk to an attorney.

*June 4 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Batchelour* the elder, Hampstead, Middlesex, carpenter.—*Wm. Batchelour* the younger, Hampstead, Middlesex, carpenter.—*Arthur Turley*, Hertford, out of business.—*Geo. Murrell*, Lower George-st., St. Luke's, Chelsea, Middlesex, locksmith.—*James Foster*, Somerset-place, Hoxton, Middlesex, dyer.

*June 6 at 10, before Mr. Commissioner LAW.*

*John George Harmer*, Murray-st., Camden-road Villas, Camden-town, Middlesex, ironmonger.—*Jos. Fenwick Bass*, Blackfriars-road, Surrey, teacher of drawing.—*Geo. Smith*, Hayes, Middlesex, in no business.

*June 6 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Jeanneret*, Great Titchfield-street, Marylebone, Middlesex, surgeon.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 3 at 11, before the CHIEF COMMISSIONER.*

*G. Blackgrove*, Hand-court, Holborn, Middlesex, licensed victualler.—*Reuben H. Williams*, Paragon-place, New Kent-road, Surrey, cowkeeper.—*James Hunt*, Lewisham, Kent, general merchant.—*John Mayer*, Clarence-place, Myddleton-road, Dalston, Middlesex, general agent.—*Gideon Lawrence*, Cambridge-road, Mile-end, Middlesex, out of business.

*June 4 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph M. Bridgman*, Kingsland-road, Middlesex, cabinet maker.—*Asker Barnett*, Lamb-street, Spitalfields, Middlesex, confectioner.

*June 6 at 10, before Mr. Commissioner LAW.*

*Wm. Bayly*, Hill-st., Friar-st., Blackfriars-road, Surrey, news agent.—*John T. Kent*, Priory-road, Wandsworth-road, Surrey, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, June 3 at 11.*

*John Hindle*, Preston, out of business.—*James Dawson*, Birtle-cum-Bamford, near Bury, engineer.—*James Gilchrist*, Ardwick, Manchester, librarian.—*James Newton*, Openshaw, near Manchester, out of business.—*Edward Marks*, Liverpool, tailor.—*G. Bentham*, Wrexham, Denbighshire, North Wales, out of employment.—*Thomas Pownall*, Hindley, near Wigan, clogger.—*George S. Wynn*, Strangeways, near Manchester, game dealer.—*Samuel Braddock*, Manchester, out of business.—*George Knowles*, Manchester, baker.—*T. Wild*, Rusholme, Manchester, chemist.—*Thomas Ostler*, Chorlton-upon-Medlock, Manchester, clerk of works.—*B. Bramhall*, Deansgate, Manchester, tailor.—*Robert Kellett*, Wigan, mine surveyor.—*Wm. Booth*, Hulme, Manchester, out of business.—*James Storey*, Liverpool, joiner.—*Wm. Whitworth Miller*, Preston, butcher.—*Wm. Bennett*, Croft, near Warrington, shoemaker.

*At the County Court of Devonshire, at EXETER, June 4 at 10.*

*James Bakrr*, Plymouth, out of business.

*At the County Court of Hampshire, at SOUTHAMPTON, June 10 at 10.*

*John R. Threadgold*, Northam, tea dealer.

**TUESDAY, MAY 24.**

**BANKRUPTS.**

**WILLIAM HUTCHISON**, Riches-court, Lime-st., London, ship broker, (trading under the name, style, and firm of *W. Hutchison & Co.*), June 2 at 1, and July 7 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Neal, 5, Austin-friars.—Petition filed May 14.

**HANNAH MATHEW and JOHN MATHEW**, Holland-st., Blackfriars-road, Surrey, coach and cart wheelwrights, June 8 at 12, and July 1 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Buchanan, 8, Basinghall-street.—Petition filed May 19.

**EDWARD JONES**, Strand, Middlesex, woollendrapers and tailor, dealer and chapman, June 7 at 12, and July 1 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed May 21.

**ROBERT LAMBELL**, Etham-place, Dover-road, St. George's, Southwark, Surrey, draper, dealer and chapman, June 6 at half-past 1, and July 5 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed May 14.

**JOHN PINNOCK THIRKELL**, Cranbrook, Kent, farmer, dealer and chapman, June 6 at 2, and July 5 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Hinds, Goudhurst, Kent; Cripps, Tunbridge Wells, Kent; Parker, 18, St. Paul's-churchyard, London.—Petition filed May 9.

**FRANCIS HARRISSON**, Chelmsford, Essex, grocer and tea dealer, dealer and chapman, June 7 at 1, and July 5 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Duffield, Chelmsford, Essex; J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed May 23.

**SAMUEL UNDERHILL**, Wolverhampton, Staffordshire, commission agent, dealer and chapman, June 13 at 1, and June 27 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Price, jun., Wolverhampton; Motteram & Knight, Birmingham.—Petition dated May 17.

**JOHN WESTLAKE WAINWRIGHT**, Bridgewater, Somersetshire, builder, dealer and chapman, May 31 and June 28 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Reed, Bridgewater; Stogdon, Exeter.—Petition filed May 20.

**MEETINGS.**

*H. Stone*, Edgeware-road, Middlesex, harness maker, June 4 at 2, Court of Bankruptcy, London, last ex. and aud. ac.—*E. Blakely*, Conduit-st., Regent-st., Westminster, Middlesex, and Norwich, linendraper, June 3 at half-past 1, Court of Bankruptcy, London, aud. ac.—*W. Weller*, Chatham, Kent, maltster, June 15 at 11, Court of Bankruptcy, London, aud. ac.—*Donald Sinclair*, Bath-place, Peckham, Surrey, apothecary, June 15 at 12, Court of Bankruptcy, London, aud. ac.—*George Taylor Brown*, Gloucester-terrace, New-road, Whitechapel-road, Middlesex, draper, June 15 at 1, Court of Bankruptcy, London, aud. ac.—*James Gasley*, King's Lynn, Norfolk, carpenter, June 15 at 1, Court of Bankruptcy, London, aud. ac.—*Thos. Corby*, Lower Eaton-st., Pimlico, Middlesex, builder, June 15 at 12, Court of Bankruptcy, London, aud. ac.; June 17 at half-past 12, div.—*Thomas Gundry* and *John Gundry*, Goldsithney, Cornwall, merchants, June 9 at 1, District Court of Bankruptcy, Exeter, aud. ac., and June 14 at 11, div., sep. est. of *Thomas Gundry*.—*David Boobyer*, Tavistock, Devonshire, ironmonger, June 7 at 11, District Court of Bankruptcy, Exeter, aud. ac.; June 14 at 11, div.—*Wm. May*, Exeter, linendraper, June 7 at 11, District Court of Bankruptcy, Exeter, aud. ac.; June 14 at 11, div.—*F. E. Preedy*, Sherborne, Dorsetshire, wine merchant, June 9 at 1, District Court of Bankruptcy, Exeter, aud. ac.; June 14 at 11, div.—*Robert Tate* the younger, Uxbridge, near Hillingdon, Middlesex, miller, June 17 at 1, Court of Bankruptcy, London, div.—*Alex. Bristol Fraser* and *Charles Lightfoot*, Lime-street, London, merchants, June 17 at 11, Court of Bankruptcy, London, div.—*Donald Sinclair*, Bath-place,

Peckham, Surrey, apothecary, June 17 at 12, Court of Bankruptcy, London, div.—*Josiah Brockwell*, Old Broad-street, London, merchant, June 16 at 12, Court of Bankruptcy, London, div.—*Joseph Nicholson*, Jenkin Cragg, Scalthwaiterigg Hay, Kendal, Westmoreland, drover, June 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Benjamin Wist*, Wimborne Minster, Dorsetshire, brewer, June 15 at 1, Court of Bankruptcy, London.—*John J. Smith*, Stockton-upon-Tees, Durham, shipowner, June 17 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Joseph Nicholson*, Jenkin Cragg, Scalthwaiterigg Hay, Kendal, Westmoreland, drover, June 17 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.

*To be granted, unless an Appeal be duly entered.*

*Joel Boulton*, Tooley-st., Southwark, Surrey, out of business.—*Semuel Salter*, Hunton Bridge, Abbots Langley, Hertfordshire, maltster.—*R. S. Meeson*, *John Meeson*, and *Edw. Meeson*, Stratford, Essex, coal merchants.—*Robert Grear*, Brndley-terrace, Wandsworth-road, Surrey, and Long-acre, Middlesex, tallow chandler.—*John Barrell*, Billericay, Essex, grocer.—*N. B. Gibbs*, Connaught-terrace, Edgeware-road, Middlesex, chemist.—*George Enser* and *George Pearce*, Bethnal-green-road, Middlesex, grocers.—*Albert Milsted*, Swansea and Cardiff, Glamorganshire, furrier.

## PARTNERSHIPS DISSOLVED.

*John Philip Motteram*, *Finlay Knight*, and *George Nelson Emmet*, Birmingham, attorneys and solicitors.—*George N. Emmet* and *Finlay Knight*, Bloomsbury-square, Middlesex, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

*James Paterson*, Hawick, Roxburghshire, ironmonger.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Strafford*, Dukinfield, Cheshire, brass moulder, May 28 at 11, County Court of Lancashire, at Ashton-under-Lyne.—*Thomas Barratt*, Wolverhampton, Staffordshire, butcher, June 25 at 9, County Court of Staffordshire, at Wolverhampton.—*John Norman*, Wolverhampton, Staffordshire, out of business, June 25 at 9, County Court of Staffordshire, at Wolverhampton.—*John Etheridge*, Brewood, Staffordshire, shoemaker, June 25 at 9, County Court of Staffordshire, at Wolverhampton.—*W. Margrett*, Redmarley D'Abitot, Worcestershire, dealer in cattle, June 9 at 11, County Court of Gloucestershire, at Newent.—*Charles Fred. Cooke*, Birkenhead, Cheshire, clerk to an insurance broker, May 27 at 10, County Court of Cheshire, at Birkenhead.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 8 at 11, before the CHIEF COMMISSIONER.*

*Richard Hebben*, Macclesfield-st. North, City-road, Middlesex, carpenter.—*James Cook*, Acre-place, Coburg-road, Kent-road, Surrey, plumber.—*Joseph Jaques*, Cross Key-sq., Little Britain, Aldersgate, London, foreman to a carman.—*Louisa Franks*, widow, Polygon-buildings, Clapham-common, Clapham, Surrey, assistant to a laundress.—*Wm. Ambrose Williams*, St. Paul's-terrace, Camden-town, Middlesex, tailor.—*Hirsch London*, Duke-st., Aldgate, London, shoe dealer.—*Henry Field*, Poppin's-court, Fleet-st., London, shoe maker.

*Saturday, May 21.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Burton*, Thorpe, Norwich, bricklayer, No. 76,027 C.; *Robert F. Alden*, assignee.—*George Harris*, Reading, Berkshire, builder, No. 76,020 C.; *Richard Willis*, assignee.—*Thomas Hall*, Crowslow, near Cheadle, Staffordshire, farmer, No. 15,522 T.; *Edward Hall*, assignee.—*George Rees*, Ives-st., Marlborough-road, Chelsea, Middlesex, travelling tinker, No. 63,600 T.; *John Donaldson*, assignee.—*Robert Welch*,

*Jarratt's-lane*, Shropshire, draper, No. 76,189 C.; *J. Robison* and *David K. Tarlet*, assignees.—*James Brown*, Boston, near Tadcaster, Yorkshire, blacksmith, No. 76,426 C.; *Wm. Dove* and *Samuel Ellison*, assignees.

*Saturday, May 21.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Gee*, Little Guildford-street, Russell-sq., Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Henry Lea*, Sidney-st., Mile-end, Middlesex, dairyman: in the Debtors Prison for London and Middlesex.—*R. Thomas*, Millpond-row, Rotherhithe, Surrey, master mariner: in the Gaol of Surrey.—*Richard Rutter*, Rodney-st., Pentonville, Middlesex, assistant to an ironmonger: in the Debtors Prison for London and Middlesex.—*Wm. Elton*, Hoxton-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Mary Bedford*, Eccleston-terrace South, Pimlico, Middlesex, housekeeper: in the Debtors Prison for London and Middlesex.—*John H. Romer*, Brewer-street, St. James's, Westminster, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Thomas Blake Ayshford*, King-st., Kensington, Middlesex, coachmaker: in the Debtors Prison for London and Middlesex.—*Elizabeth A. Smith*, Commercial-street, Whitechapel, Middlesex, barwoman to a licensed victualler: in the Debtors Prison for London and Middlesex.—*Edward J. Costor*, York-terrace, Old Kent-road, Surrey, baker: in the Gaol of Surrey.—*Wm. F. L. Blanchenay*, Gloucester-street, Queen-sq., Middlesex, wine merchant: in the Debtors Prison for London and Middlesex.—*John Churcher Hewitt*, Montpelier-villas, Stockwell, Surrey, out of business: in the Queen's Prison.—*G. Bibby*, Golden-lane, St. Luke's, Middlesex, parochial schoolmaster: in the Debtors Prison for London and Middlesex.—*George Chamberlain*, Skipton, Yorkshire, cotton spinner: in the Gaol of York.—*Wm. Booth*, Hulme, Manchester, butcher: in the Gaol of Lancaster.—*Wm. Bennett*, Croft, near Warrington, Lancashire, shoemaker: in the Gaol of Lancaster.—*Radcliffe Wolstencraft*, Oldham, Lancashire, joiner: in the Gaol of Lancaster.—*James Storey*, Liverpool, shoemaker: in the Gaol of Lancaster.—*Wm. Whitworth Miller*, Preston, Lancashire, butcher: in the Gaol of Lancaster.—*Robert Hancock*, Manchester, grocer: in the Gaol of Lancaster.—*E. Allonby*, Hawkshead, Lancashire, farmer: in the Gaol of Lancaster.—*Ann Palmer*, Manchester, retail dealer in pork: in the Gaol of Lancaster.—*Henry Wilders*, Uttoxeter, Staffordshire, cork manufacturer: in the Gaol of Derby.—*John Gray*, Callington, Cornwall, general dealer: in the Gaol of Bodmin.—*George Padwick*, Brighton, Sussex, farmer: in the Gaol of Lewis.—*John Onions*, Bishop's Castle, Shropshire, innkeeper: in the Gaol of Shrewsbury.—*John Elkington*, Shrewsbury, Shropshire, builder: in the Gaol of Shrewsbury.—*Eliza M. Nixon*, widow, Exeter, Devonshire, never in any business: in the Gaol of Exeter.—*Thomas Chamberlain*, Exeter, butcher: in the Gaol of Exeter.—*Thomas Schofield*, Wigan, Lancashire, joiner: in the Gaol of Lancaster.—*Chas. Williams*, Breden, Worcestershire, blacksmith: in the Gaol of Lancaster.—*Samuel Reed*, Brighton, Sussex, retailer of beer: in the Gaol of Lewes.—*William Madders*, Tunstall, Staffordshire, butcher: in the Gaol of Stafford.—*E. M'Kensie*, Park-street, Greenwich, Kent, master in the Royal Navy: in the Gaol of Maidstone.—*James Urry*, Southsea, Hampshire, baker: in the Gaol of Portsmouth.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 7 at 11, before the CHIEF COMMISSIONER.*

*John Scott*, Upper East Smithfield, Middlesex, shipowner.—*Robert Peckham*, Nelson-square, Blackfriars-road, Surrey, attorney's clerk.—*Ebenezer R. Groom*, St. Paul's-place, Walworth-common, Surrey, out of business.

*June 8 at 10, before Mr. Commissioner LAW.*

*John A. Meyer*, Hallford-street, Lower-road, Islington, Middlesex, commission agent.—*Bembridge Hooton*, New Church-street, Bermondsey, Surrey, out of business.—*John Pegrum*, Walthamstow, Essex, farm bailiff.

*June 9 at 11, before Mr. Commissioner PHILLIPS.*

*George Cooke*, Acre-lane, Brixton, Surrey, dealer in tea.—*Andrew Richardson*, High Holborn, Middlesex, out of business.—*T. B. Ayshford*, King-street, Kensington, Middlesex, wheelwright.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, June 7 at 12.*

*Thomas Hicks, Greenwich, foreman to a tailor.—Edward M'Kenzie, Sheerness, master of her Majesty's ship The Star.—Wm. Elliott Williams, Wrotham-road, Gravesend, grocer.—Edward Chittenden, Upper Higham, out of business.*

*At the County Court of Staffordshire, at STAFFORD, June 8 at 11.*

*William H. Brookes, Wolverhampton, dealer in spirituous liquors.*

*At the County Court of Cornwall, at BODMIN, June 8 at 10.*  
*John Gray, Callington, general dealer.*

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# The Jurist

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JUNE 4, 1853.

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LONDON, JUNE 4, 1853.

WHETHER general codification of the law of England, on the same principle as the Code Napoleon, would be a practicable, and if a practicable, a beneficial thing, we are not now going to inquire; but that there are some portions of the law as to which it would undoubtedly be both practicable and useful to codify, in the more limited sense of considering the mass of authorities, some more or less conflicting, and extracting from them one or more positive rules; doing, in fact, once and for all, what the judges are obliged to do from time to time, when a case of difficulty comes before them.

Speaking more particularly of the law of property, with which we are most familiar, though we believe our remarks are equally applicable to the common law, there are some portions of it, the uncertainty of which is perfectly disgraceful to an age pretending to call itself civilised.

Take, for instance, the doctrines of vesting or not vesting of estates in remainder; of the execution or non-execution of powers; of the liability of parties, claiming benefits under instruments, to elect between those benefits and their legal rights. These are a few out of numerous subjects in which counsel are every day, and judges every week at least, perplexed; because, from the multitude of decisions, it is difficult to extract any rule sufficiently positive, and sufficiently authoritative, to say they will be governed by it.

In addition to the evil of the uncertainty, there is the opposite evil of certainty in the existence of many distinctions positively absurd; founded on no principle, yet so settled by decision, that the judges are

reluctantly compelled to continue to administer injustice upon their authority.

On the doctrine of election, we believe we shall not err in saying that there are some thirty cases which may be termed leading cases—cases, at least, which, in every such question not falling directly within the authority of any particular case, have to be cited and commented upon, to endeavour to extract from them some rule under which the new case can be brought. It is true, that with reference to that doctrine some general principles are established, but they are of comparatively little use, because of the absence of any positive rules for, or examples of, their application. For instance, it is no doubt a general rule that a party cannot take under and against an instrument; that with regard to putting a widow to her election, you must see upon the will a clear intention to exclude her from dower—not merely the absence of intention that she shall have her dower; and the like; or, to quote the propositions in the form in which they are laid down in a recent case, (*Gibson v. Gibson*, 1 Drew. 42), "a person who is entitled to any benefit under a will or other instrument must, if he claims that benefit, abandon every right or interest, the assertion of which would defeat, even partially, any of the provisions of that will or instrument." And applying this to the doctrine of dower, "if the testator has by his will made such a disposition of the real estate of which he was seised, that the assertion by the widow of her right to dower would prevent that disposition having full effect, as the testator intended, then she must elect either to abandon her dower or the benefit given to her by the will." Next, "that in no case is a person to be put to his election, unless it is clear that the provisions of the instrument under which he is entitled to a benefit would

be in some degree defeated by the assertion of his other right;" and therefore that in the particular case of dower "it is not enough to say that the testator did not intend that his widow should have her dower," but the Court must be satisfied "that there is a positive intention to exclude her from dower, either expressed or clearly implied." But when you come to apply these principles, they are too frequently but blind guides, because of the practical questions—What is taking against the particular instrument? What is the expression of a clear intention of exclusion, as distinguished from the absence of intention of inclusion? For a long time, for instance, in the law of election, as applied to dower, it was in doubt whether, if lands were devised to trustees with a power to sell, that would not exclude the widow, on the ground, that as she is entitled to have her dower set out by metes and bounds, the exercise of that right would be inconsistent with the execution of the trust for sale. That has been at length got over thus far, but no farther, that a mere trust for, or power of sale, will not exclude a widow. But then it is absurdly enough settled, by way of distinction, that generally a power to lease will exclude the widow. But there still remains this difficulty, that neither rule is of very certain application, because as they are only rules drawn from and founded upon the mass of conflicting cases, by way of inference, and possess no internal, or, if one may use the term, no imperial authority, you have but to shew some distinction in the particular case, which would, or might, if called to the attention of the judges who decided the former cases, have justified some modification of their decisions; and, lo! the rule vanishes, and the judge is thrown back upon a minute consideration of the whole bundle of authorities.

Again: take the doctrine of the execution of powers. At this day the time of a court of justice may be occupied for days, because there is no positive rule or maxim of conclusive authority on these points—whether a general power to appoint, which may be exercised in several ways, is one power or several powers; and whether, if there is such a general power to appoint with or without power of revocation, and the donee appoints and reserves a power of revocation only, and then revokes and makes a new appointment,—whether the new appointment is strictly a new appointment—that is, by virtue of a power newly arising—or whether it is by virtue of the revival of the old power; and whether it makes any difference if the donee, in appointing at first, reserves to himself a power of new appointment as well as a power of revocation. Now, we do not say that on such a point as whether a general power to appoint, capable of being exercised in several ways, is one power or several distinct powers, there is nothing to be found in the books to guide the judgment: on the contrary, there is much; it has been much considered, and there may be enough to say that it must be decided one way. But we do say that there is not, on such a point, what there ought at this day to be—something so positive and authoritative as to prevent the possibility of its being discussed. The same may be said of the other questions mentioned. It would not be very material whether the rule were, that the exercise of a power shall destroy it in toto,

and the power of new appointment reserved shall be treated as a strictly new power; or whether the exercise of a power of appointment shall merely suspend it—put it, as it were, into a state of coma; so that if the deed exercising the power is revoked, the original power may arise out of its magnetic sleep, and revive. But it is material that upon points so much and so long discussed, there should not be a mere rule of inference, which, however often acted upon, is always liable to be attacked and frittered away by ingenious argument, but some positive rule of peremptory authority, to which a judge might appeal as conclusive.

Again: take such a subject as conditions in restraint of marriage: it is a well known, though we submit very absurd, distinction, founded on the result of many cases, that a testator may impose a *condition* subsequent, on his widow remarrying, so as to make her, if she does so, forfeit a benefit given by his will, but that he cannot impose such a *condition* on any other woman; but that he may give a benefit to any woman *while she remains single*. These are well known rules, and perhaps less open to difficulty in their application than many others of what are termed rules in the law. But still it would be better, supposing them to be good rules, if they were expressed by the Legislature in positive terms, so as to possess inherent authority, and to be conclusive.

So, with regard to general rules of construction, it is to be collected from the cases, as a general rule, that if, in a deed, there be repugnant clauses, the first must prevail; but if in a will, the last. But then there is the case of *Morrell v. Sutton*, (1 Ph. 533), which, if it does not actually shake that rule, at least renders its application more difficult. With the assistance, however, of the preceding cases, and of the law laid down in *Morrell v. Sutton*, it would not be difficult, at least not insurmountably difficult, to frame rules, which, being made so by the Legislature, would be sufficiently precise to prevent much litigation; while, embarrassed as the rules now are by the fact that their authority rests upon cases more or less varying in circumstances, it would be very difficult in many cases to apply them with any degree of certainty.

Take, again, that fruitful source of difficulty, the doctrine of estates arising by implication. Let any one look through the cases referred to by Mr. Jarman in his chapter on this subject, (1 Jarm. Wills, 460), and he will not fail to find, that though the cases afford some general rules, yet those rules are so intimately relating to and dependent upon the class of cases from which they are inferred, that you never can be even tolerably certain of their application to a new case—they possess no internal authority. It is not that there are no materials for laying down clear rules—there are abundant materials; but the rules have no force except what they derive from the cases. The struggle is, therefore, almost always possible, and is practically of very frequent occurrence, to shew that the authorities, which are the foundation of the rule, differ in their circumstances from the case before the Court, and consequently, *cessante ratione cessat lex*. It may be said, perhaps, in reference at least to positive rules, as applicable to the construction of wills, that to enact them would be inconsistent with giving due weight

to a testator's intention. But, in fact, the law does, so far as it can, already do this; to certain expressions a certain legal construction is given, whether the testator actually did or did not know the effect of his language; and, in real truth, there is no hardship to the individual, and much convenience generally, in affixing a certain meaning to certain language.

For such a limited codification as we suggest, the materials are abundant; the course would not be difficult, and the result would be most beneficial to the public. There is a very considerable number of points in the law of property only, to which we could refer, which are the subject of continual litigation or dispute, and in reference to which a careful consideration of the decided cases would shew precisely what are the difficulties; what the causes of doubt; what are the general principles which should be embodied in general rules; and what are the particular examples, by way of exception, requiring the application of subordinate rules. A series of such rules might be easily framed by any competent lawyer, and, embodied in a special act, would be of great use. There would be, in such a limited and perfectly practicable codification, at any rate, this advantage, that it would operate by way of experiment, and shew, by its working, whether a general codification of the law would be useful.

#### LIABILITY OF TRUSTEES WHO HAVE AN OPTION TO INVEST ON MORTGAGE OR IN THE FUNDS.

THIS long-disputed question has been settled, so far as any question can be settled without a decision in the court of ultimate appeal, by the case of *Robinson v. Robinson*, (1 De G., M., & G. 247; 16 Jur. 255). In *March v. Hunter*, (6 Mad. 296), Sir J. Leach held that trustees who had an option to invest trust money on mortgage or in the funds, and did neither, were not bound to replace the amount of stock which they might have purchased when an investment ought to have been made. In *Hockley v. Bantock*, (1 Russ. 141), on the other hand, Lord Gifford directed an inquiry as to the price of Consols at the time, with a view to charge the trustees with the value of the stock, if that should exceed the money. Sir J. Leach acted on his original view in *Gale v. Pitt*, (1 De G., M., & G. 255), and was followed by Sir J. Wigram in *Sheppard v. Moule*, (4 Hare, 600), and by Sir J. L. Knight Bruce in *Rees v. Williams*, (1 De G. & S. 314); while the doctrine of Lord Gifford has the solitary support of his successor, Lord Langdale, in *Watts v. Girdlestone*, (6 Beav. 188), *Ames v. Parkinson*, (7 Beav. 379), *Ouseley v. Anstruther*, (10 Beav. 456), and *Robinson v. Robinson*, (11 Beav. 371). The decision in the latter case was reversed, on appeal, by the Lords Justices, on the ground, that if the trustee had discharged his duty, the trust fund would not necessarily have consisted of more than the original principal sum. The trustee is made answerable for not having made one of two investments at the proper time, but he was never bound to invest in the funds. The right of the cestui que trust is only to make the trustee answerable for not doing what he was bound to do. We submit that this rea-

soning is fallacious, and that the doctrine in *Robinson v. Robinson* cannot be safely relied on until it is confirmed by the House of Lords. It is contrary to the policy of the severe but salutary rules by which the Court of Chancery determines the responsibility of trustees; and it is contrary, we submit also, to the established principles of equity. A trustee who is bound to invest money in Consols, and does not do so, is accountable for the value of the stock which he might have bought, and the dividends, and cannot escape by paying the money, with interest. But if the value of the stock and the dividends is less than the money and interest, the trustee must pay the money and interest, even though he should conclusively prove that he never made a penny of interest or profit by the money. In other cases the Court decides according to the facts; in this case it declines any such investigation, except for the purpose of *surcharging* the trustee, if, in point of fact, he should be found to have made a greater profit than 4l. per cent.; and when the trustee has gained by one improper investment, and lost by another, the Court does not allow him to set off the gain against the loss, even though the balance would be more favourable to the cestui que trust than a proper investment would have been. It does this as a punishment and a warning. It is the duty of a trustee to invest. If the trust is silent as to the security, he must take Consols. If the trust prescribes a single security, he must take that. If it allows him a choice, he may discharge himself of his liability to invest, by selecting any of the allowed investments; but if he neglects his duty, can he allege, as an excuse for not investing in Consols, that he might have done something else which he has not done? The Court recognises Consols as the only proper investment, unless the trust declares others to be proper. Suppose that the trust had authorised investments in Consols or in the shares of the ——— Canal Company: under such a trust Consols and canal shares would have been equally proper investments. Can the trustee discharge himself by replacing canal shares, merely because he might have chosen that investment at the proper time? The trustee says, "You cannot ask more than the original sum; for if I had performed the trust in one way, you would have no more." The conclusive answer is, "You have not performed the trust in any way, and you cannot claim the benefit of an option which you have wrongfully neglected to exercise." Lord Cranworth suggests that the measure of damages should be that which is the least beneficial to the cestui que trust. That is the right rule where the trustee is restricted to unusual investments, of which the least advantageous in the event would have been more beneficial to the cestui que trust than either Consols or the money. But when a trustee is restricted to a particular investment—whether it be a security or a purchase—what is his duty while he is seeking for that investment? It is—if the prospect of finding a proper investment is not immediate—to invest in Consols. His first duty is to seek with all diligence for a proper investment, and in the meantime to invest in Consols. The breach of the one branch of his duty cannot excuse him from performance of the other.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas, has appointed William Sykes Ward, Gent., of Leeds, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the West Riding of the county of York.



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# The Jurist

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Supplemental Number.

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### BANKRUPTS.

**JOHN DAY** and **THOMAS DAY**, Tunbridge, Kent, gun-makers, dealers and chapmen, June 7 and July 8 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hodgson, Birmingham; Messrs. Linklater, 17, Sise-lane, City.—Petition dated May 11.  
**ALEXANDER DALRYMPLE**, Lime-street, London, merchant, dealer and chapman, June 10 at 2, and July 8 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Taylor & Collison, 28, Great James-street, Bedford-row.—Petition filed May 25.  
**THOMAS FOSTER**, Barge-yard, Bucklersbury, London, wine and spirit merchant, June 4 at 1, and July 8 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Baker & Co., 34, Lime-street, City.—Petition dated May 24.  
**RICHARD FAITHFULL**, King-street and George-street, Portman-square, Middlesex, coach builder, June 4 at 11, and July 8 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Archer, 6, Raquet-court, Fleet-street.—Petition dated May 26.  
**ENOCH TURNER**, Birmingham, builder, plumber, glazier, and painter, dealer and chapman, June 8 and 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hodgson, Birmingham.—Petition dated May 20.

### MEETINGS.

**Abraham Cohen**, Houndsditch, London, wholesale clothier, June 7 at 10, Court of Bankruptcy, London, last ex.—*Agnes Ashcroft*, widow, Liverpool, and Stanhope-terrace, Gloucester-gate, Middlesex, shipowner, June 16 at 11, Court of Bankruptcy, London, aud. ac.—*Geo. Ireland*, Old Church-street, Paddington, Middlesex, bricklayer, June 16 at 1, Court of Bankruptcy, London, aud. ac.—*Edmund English* and *Edmund F. English*, Bath, auctioneers, June 17 at 11, District Court of Bankruptcy, Bristol, aud. ac.; June 24 at half-past 11, div.—*Wm. Wheeler*, Abergavenny, Monmouthshire, innkeeper, June 9 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Hugh Matheson*, Liverpool, merchant, June 6 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*John J. Smith*, Stockton-upon-Tees, Durham, shipowner, June 17 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Joseph Nicholson*, Sparket, Greystoke, Cumberland, sheep salesman, June 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Hall*,

Newcastle-upon-Tyne, corn factor, June 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Taylor*, Newcastle-upon-Tyne, common brewer, June 15 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*G. Trall*, Bridgewater, Somersetshire, iron-monger, June 8 at 11, District Court of Bankruptcy, Exeter, aud. ac.; June 21 at 11, div.—*W. Fawcner*, Kidderminster, Worcestershire, licensed victualler, June 13 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*John Earp*, Uttoxeter, Staffordshire, brewer, June 13 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*L. Jagger*, Huddersfield, Yorkshire, woollen cloth manufacturer, June 21 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*W. L. Marshall*, Almondbury, Yorkshire, common brewer, June 20 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac. and div.—*Albert Milsted*, Swansea and Cardiff, Glamorganshire, furrier, June 17 at 1, Court of Bankruptcy, London, div.—*John H. Dunne* and *John Venables*, Craven-street, Strand, Middlesex, shipowners, June 18 at 1, Court of Bankruptcy, London, div.—*John M. Lachlan*, Spital-square, Norton Folgate, Middlesex, auctioneer, June 18 at 12, Court of Bankruptcy, London, div.—*Thomas Salkeld*, Basinghall-street, London, warehouseman, June 17 at 11, Court of Bankruptcy, London, div.—*John Wilkins*, Brighton, Sussex, builder, June 17 at 12, Court of Bankruptcy, London, div.—*John Francis B. Cabburn*, Cumberland-row, King's-cross, St. Pancras, Middlesex, licensed victualler, June 18 at half-past 12, Court of Bankruptcy, London, div.—*Gerard Polden* and *Antonio H. Lafargue*, Gould-sq., Crutched-friars, London, shipowners, June 18 at 1, Court of Bankruptcy, London, div.—*Mary Glascott*, *George M. Glascott*, and *Thomas T. Glascott*, Great Garden-street, Whitechapel-road, Middlesex, copper merchants, June 23 at 2, Court of Bankruptcy, London, fin. div.—*Francis Bussano*, Deritend, Aston, near Birmingham, coach founder, June 20 at 1, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.—*James Wheeler*, Scarborough, Yorkshire, wine merchant, June 17 at 11, District Court of Bankruptcy, Leeds, div.—*Thomas Hamblet*, *George Warren*, and *Nathaniel W. Dobeson*, Brotherton, Yorkshire, glass manufacturers, June 17 at 11, District Court of Bankruptcy, Leeds, div.—*Joseph M. Lintock*, Barnsley, Yorkshire, linen manufacturer, June 17 at 11, District Court of Bankruptcy, Leeds, div.—*John Oyston*, Wakefield, Yorkshire, linendraper, June 17 at 11, District Court of Bankruptcy, Leeds, div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Wm. H. Rawlings*, Brownlow-street, Holborn, Middlesex,

builder, June 17 at half-past 1, Court of Bankruptcy, London.—*Joseph Loader*, Finsbury-pavement, Finsbury, London, upholsterer, June 17 at 1, Court of Bankruptcy, London.—*Henry B. Roberts*, Nicholas-lane, London, and Ann-street, Britannia-fields, Middlesex, tailor, June 17 at 1, Court of Bankruptcy, London.—*George Traill*, Bridgewater, Somersetshire, ironmonger, June 21 at 11, District Court of Bankruptcy, Exeter.—*Walter Marson*, Wolverhampton, Staffordshire, draper, June 20 at 1, District Court of Bankruptcy, Birmingham.—*Henry Fisher*, Nottingham, tailor, June 17 at 10, District Court of Bankruptcy, Nottingham.—*G. Warren* and *Nathaniel Wm. Dobson*, Brotherton, Yorkshire, glass manufacturers, June 17 at 11, District Court of Bankruptcy, Leeds.—*Wm. L. Marshall*, Almondbury, Yorkshire, common brewer, June 20 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Henry Fisher*, Aldersgate-st., London, wholesale milliner.—*Charles Lane*, Hastings, Sussex, plumber.—*H. Simmonds*, Ore, Sussex, brickmaker.—*Wm. Sheward*, Norwich, pawnbroker.—*Benjamin James* and *Thomas G. Hardie*, Newport, Monmouthshire, builders.—*Wm. May*, Exeter, linendraper.

#### PARTNERSHIP DISSOLVED.

*Henry Vickers* and *George Matheuman Jervis*, Sheffield, Yorkshire, attorneys-at-law and solicitors, (under the firm of Vickers & Jervis).

#### SCOTCH SEQUESTRATION.

*John Thomson*, deceased, Whitefield, Cargill, Perthshire, farmer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Isaac Williams*, Newport, Monmouthshire, out of business, June 8 at 12, County Court of Monmouthshire, at Newport.—*Anthony Wilson Dixon*, King's Lynn, Norfolk, licensed victualler, June 8 at 3, County Court of Norfolk, at King's Lynn.—*James Cook*, Castle Acre, Norfolk, grocer, June 8 at 3, County Court of Norfolk, at King's Lynn.—*William Saunders*, Brighton, Sussex, milliner, June 4 at 10, County Court of Sussex, at Brighton.—*W. Kay Hannaford*, Totnes, Devonshire, grocer, July 4 at 11, County Court of Devonshire, at Totnes.—*James Halton*, Herne Bay, Kent, superintendent of baths, May 30 at 11, County Court of Kent, at Canterbury.—*John Turner*, Bursledon, Hampshire, farm bailiff, June 10 at 10, County Court of Hampshire, at Southampton.—*Thos. Baker*, Kingswinford, Staffordshire, farmer, June 20 at 10, County Court of Worcestershire, at Stour-bridge.—*Wm. Henry Holloway*, Southampton, writing clerk, June 10 at 10, County Court of Hampshire, at Southampton.—*Geo. Grant Rosastow*, St. Buryan, Cornwall, farm bailiff, June 14 at 10, County Court of Cornwall, at Penzance.—*F. Lodge*, Bridge-end, Almondbury, Yorkshire, architect, June 6 at 10, County Court of Yorkshire, at Huddersfield.—*Flinton Clarkson*, Kingston-upon-Hull, dealer in hay, June 10 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Bayes*, Kingston-upon-Hull, licensed victualler, June 10 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Rutherford Cox*, Kingston-upon-Hull, licensed victualler, June 10 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Henry Fellow*, Bristol, retailer of beer, June 15 at 11, County Court of Gloucestershire, at Bristol.—*Thomas Charles Brown*, Bristol, shoemaker, June 15 at 11, County Court of Gloucestershire, at Bristol.—*Richard Eades*, Bristol, butcher, June 15 at 11, County Court of Gloucestershire, at Bristol.—*Geo. Cottrell*, Liverpool, grocer, June 6 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 8 at 10, before Mr. Commissioner LAW.*

*Adjourned Hearing.*

*Wm. Pywell*, Grange-road, Bermondsey, Surrey, clerk to wholesale trimming manufacturers.

*June 10 at 11, before the CHIEF COMMISSIONER.*

*J. Whittingham*, Warrington-st., Oakley-square, Somers-town, Middlesex, butler.

*June 10 at 10, before Mr. Commissioner LAW.*

*Geo. Taylor*, New-street, Horsleydown, Surrey, furniture broker.—*John Edwards* the elder, Little George-st., Hampstead-road, Middlesex, carver and gilder.

*June 11 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Beesley*, Blackman-street, Southwark, Surrey, linen draper.—*G. D. Forrester*, Lower Calthorpe-st., Gray's-inn-lane, Middlesex, attorney-at-law.

*June 13 at 10, before Mr. Commissioner LAW.*

*Benjamin Moss*, Queen's-row, Pimlico, Middlesex, shoemaker.—*W. Platt*, Whitechapel-road, Middlesex, upholsterer.—*George Brand*, King-street, Long-acre, Middlesex, out of business.

*June 13 at 11, before Mr. Commissioner PHILLIPS.*

*John Grimsby*, Upper Hartland-road, Hampstead-road, Camden-town, Middlesex, figure moulder.—*G. B. Sheldrick*, Barking, Essex, fisherman.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 10 at 11, before the CHIEF COMMISSIONER.*

*Richard Thomas* the elder, Millpond-row, Millpond-bridge, Rotherhithe, Surrey, master mariner.

*June 10 at 10, before Mr. Commissioner LAW.*

*Thomas Atkins*, Chick-row, Putney, Surrey, plumber.—*Herbert Howell Williams*, Portland-place, Cambridge-heath-road, Bethnal-green, Middlesex, clerk.

*June 11 at 11, before Mr. Commissioner PHILLIPS.*

*The Rev. T. Williams* the elder, Hendon, Middlesex, clerk in holy orders.

*June 13 at 10, before Mr. Commissioner LAW.*

*Wm. Gee*, Little Guildford-street, Russell-square, Bloomsbury, Middlesex, tailor.—*Richard Rutter*, Rodney-street, Pentonville, Middlesex, assistant to an ironmonger.—*George Bilby*, Golden-lane, St. Luke's, Middlesex, parochial schoolmaster.—*Peter Edwin Henderson*, Cecil-street, Strand, Middlesex, engineer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD,*  
*June 8 at 11.*

*Thomas Collett*, West Bromwich, baker.

*At the County Court of Glamorganshire, at CARDIFF,*  
*June 11.*

*Thomas Thomas*, Swansea, out of business.

*At the County Court of Sussex, at LEXWES, June 14.*

*Wm. Friend*, Brighton, licensed victualler.—*G. Padwick*, Brighton, out of business.—*Samuel Reed*, Brighton, retailer of beer.

#### MEETING.

*Philip Brideoake*, Leigh, Lancashire, provision-shop keeper, June 15 at 2, Holden & Co.'s, Leigh, sp. aff.

**TUESDAY, MAY 31.**

#### BANKRUPTS.

**JAMES SHARP**, Queen's-road, St. John's-wood, Middlesex, builder, dealer and chapman, June 10 and July 9 at 1, Court of Bankruptcy, London: Off. Am. Pennell; Sol. Hutton, 20, Upper Clifton-street, Finsbury.—Petition dated May 18.

**WILLIAM PULFORD**, Long Sutton, Lincolnshire, cordwainer and leather seller, June 17 and July 8 at 10, District Court of Bankruptcy, Nottingham: Off. Am. Harris; Sol. Coope, Nottingham.—Petition dated May 25.

**JONATHAN WADDINGTON** the younger, Wigan, Lancashire, draper, dealer and chapman, June 10 and July 1 at 12, District Court of Bankruptcy, Manchester: Off. Am. Lee; Sols. Sale & Co., Manchester.—Petition filed May 19.

**CHARLES PARKINSON BENJAMIN LAING**, London, and the Island of Dominica, master mariner, merchant, dealer and chapman, June 9 at half-past 11, and July 7 at 1, Court of Bankruptcy, London: Off. Am. Johnson; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed May 30.

**RICHARD WALLIS DARE**, Lombard-street, and late of Queen-street, Cheapside, London, shoe factor, dealer and chapman, June 14 at half-past 2, and July 11 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Messrs. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed May 23.

**JOHN MALLEY**, Lancaster, silversmith and jeweller, June 15 and July 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed May 25.

#### MEETINGS.

**H. N. Ginder**, St. Martin's-court, Ludgate-hill, London, licensed victualler, June 15 at 12, Court of Bankruptcy, London, and. ac.; June 21 at 12, div.—**Geo. Hodge**, Ticehurst, Sussex, builder, June 14 at 1, Court of Bankruptcy, London, and. ac.—**John H. Rolfe**, Faversham, Kent, hosier, June 14 at 12, Court of Bankruptcy, London, and. ac.—**J. M. Lachlan**, Spital-square, Norton Folgate, Middlesex, auctioneer, June 10 at 12, Court of Bankruptcy, London, and. ac.—**J. F. B. Cadden**, Cumberland-row, King's-cross, St. Pancras, Middlesex, licensed victualler, June 10 at 12, Court of Bankruptcy, London, and. ac.—**G. A. Bades**, Landport, Portsea, Hampshire, grocer, June 11 at 12, Court of Bankruptcy, London, and. ac.—**Thomas Lamb Atkinson**, Wood-street, London, linen warehouseman, June 11 at 12, Court of Bankruptcy, London, and. ac.—**Thomas Thorne** the younger, Hastings, Sussex, plasterer, June 11 at 12, Court of Bankruptcy, London, and. ac.—**Wm. H. Rawlings**, Harpur-street, Red Lion-square, and Brownlow-street, Holborn, Middlesex, builder, June 11 at 12, Court of Bankruptcy, London, and. ac.—**Geo. Waterhouse**, Rupert-street, Haymarket, and Cranford, Middlesex, watch manufacturer, June 10 at 12, Court of Bankruptcy, London, and. ac.—**Thomas Crowther**, Liverpool, wine merchant, June 10 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**Benjamin Thomas**, Liverpool, merchant, June 10 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**Herbert Allen**, Birmingham, tailor, June 15 at 12, District Court of Bankruptcy, Birmingham, and. ac.—**Geo. E. James**, Brierley-hill, Kingwinford, Staffordshire, draper, June 15 at 12, District Court of Bankruptcy, Birmingham, and. ac.; June 22 at 12, div.—**A. W. J. Cavalier**, Attercliffe, near Sheffield, Yorkshire, sugar refiner, June 11 at 10, District Court of Bankruptcy, Sheffield, and. ac.—**Alfred Platts**, Sheffield, Yorkshire, tailor, June 11 at 10, District Court of Bankruptcy, Sheffield, and. ac.—**Robert Liddell**, Doncaster, Yorkshire, saddler, June 11 at 10, District Court of Bankruptcy, Sheffield, and. ac.—**Edward Harris Ruddock** and **Henry Eblson**, Bradford, Yorkshire, marble masons, June 11 at 10, District Court of Bankruptcy, Sheffield, and. ac.—**Henry Prior**, Edwards-place, Hackney-road, Middlesex, and **Henry Atkinson**, Wood-street, London, Manchester warehousemen, June 24 at 1, Court of Bankruptcy, London, div.—**W. M. George**, St. John-street-road, Middlesex, draper, June 24 at 12, Court of Bankruptcy, London, div.—**Chas. Stanley**, Hastings, Sussex, tailor, June 23 at half-past 1, Court of Bankruptcy, London, div.—**J. K. Vote**, Albion-square, Dalton, Middlesex, builder, June 23 at half-past 11, Court of Bankruptcy, London, div.—**John Spratt**, Sloane-street, and Ereter-st., Sloane-st., Chelsea, Middlesex, coach-builder, June 23 at 11, Court of Bankruptcy, London, div.—**Edward Marilyn** and **Henry Martyn**, Aldgate High-street, London, woollendrapers, June 24 at 11, Court of Bankruptcy, London, div.—**John Scott**, Nottingham, grocer, June 17 at 10, District Court of Bankruptcy, Nottingham, and. ac.—**Andrew Love** and **Charles Keys**, Liverpool, looking-glass manufacturers, June 23 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of **C. Keys**.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**H. N. Ginder**, St. Martin's-court, Ludgate-hill, London, licensed victualler, June 21 at 12, Court of Bankruptcy, London.—**Nanna Berton**, Princess-street, Hanover-square, Middlesex, tailor, June 21 at 11, Court of Bankruptcy, London.—**R. Stephens**, Truro, Cornwall, draper, June 21 at 11, District Court of Bankruptcy, Exeter.—**T. W. Johnson**, Stockport, Cheshire, publican, June 24 at 12, District Court of Bankruptcy, Manchester.—**George Earnshaw**, Ashton-under-Lyne, Lancashire, grocer, June 21 at 12, District Court of Bankruptcy, Manchester.—**Miles Sumner**, Liverpool, brewer, June 21, District Court of Bankruptcy, Liverpool.—**E. Gold-**

**smith**, Nottingham, tailor, June 24 at 10, District Court of Bankruptcy, Nottingham.—**John Scott**, Nottingham, grocer, June 24 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

**F. A. Butt**, Henry-street, Pentonville, Middlesex, grocer.—**R. Temple**, Brisley, Norfolk, grocer.—**R. T. Tubbs**, Holywell-street, Shoreditch, Middlesex, haberdasher.—**J. Barten**, Sutton Valence, Kent, brewer.—**E. B. May**, Leicester-square, and Albion-place East, King's-cross, Middlesex, linendraper.—**John Urwin**, Newcastle-upon-Tyne, licensed victualler.—**Andrew Fraser**, Newcastle-upon-Tyne, corn merchant.—**Jas. Ford**, Wolverhampton, Staffordshire, cattle dealer.—**W. Butlerworth**, Mansfield, Nottinghamshire, grocer.—**J. ElHott**, Derby, carrier.—**J. Banks**, Nicklin, Wolverhampton, Staffordshire, ironmonger.—**J. R. Grimshaw**, Pemberton, Lancashire, coal miner.—**C. Keys**, Liverpool, looking-glass manufacturer.—**W. Morrill**, Leeds, Yorkshire, coach proprietor.—**John Bedford**, Wakefield, Yorkshire, cloth merchant.—**Eli Rosbuck**, Mossley Brow, Ashton-under-Lyne, Lancashire, woollen cloth manufacturer.—**Wm. Ness** and **Thos. Snowden**, Leeds, Yorkshire, tar distillers.

#### PARTNERSHIP DISSOLVED.

**Henry T. Roberts**, **Samuel H. Barrow**, and **Geo. Newby Wardell**, St. Martin's-court, Leicester-square, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Thos. Kay**, Dundee, baker.—**A. Haggart**, Tolbooth, Paisley, shoemaker.—**J. Liston**, Glasgow, oil manufacturer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**E. J. Wallace**, Liverpool, baby-linen dealer, June 6 at 10, County Court of Lancashire, at Liverpool.—**J. F. Weston**, Birmingham, lapidary, June 11 at 10, County Court of Warwickshire, at Birmingham.—**Thos. Cadby**, Birmingham, glass cutter, June 11 at 10, County Court of Warwickshire, at Birmingham.—**J. Grelton**, Birmingham, tool maker, June 11 at 10, County Court of Warwickshire, at Birmingham.—**John H. James**, Birmingham, accountant's clerk, June 11 at 10, County Court of Warwickshire, at Birmingham.—**D. Davies**, Morriston, Glamorganshire, grocer, June 14 at 10, County Court of Glamorganshire, at Neath.—**H. K. Bayfield**, Cleyne-the-Sea, Norfolk, grocer, June 22 at half-past 10, County Court of Norfolk, at Holt.—**J. Boulton** the younger, Portsea, Southampton, cowkeeper, dairyman, and milkman, June 14 at 11, County Court of Hampshire, at Portsmouth.—**James Isaacs**, Stainton, Pembrokeshire, of no business, June 17 at 10, County Court of Pembrokeshire, at Haverfordwest.—**Robert Norman**, Kingsthorpe, near Northampton, bookkeeper, June 15 at 11, County Court of Northamptonshire, at Northampton.—**Geo. Harris**, Northampton, chemist, June 15 at 11, County Court of Northamptonshire, at Northampton.—**John Giles**, Buckingham, shoe manufacturer, June 24 at 10, County Court of Buckinghamshire, at Buckingham.—**W. Hickmott**, Birds-isle, Tenterden, Kent, grocer, June 7 at 10, County Court of Kent, at Tenterden.—**Alfred Eggington**, Lichfield, attorney-at-law, June 7 at 10, County Court of Staffordshire, at Lichfield.—**Thos. Parkin**, Horsforth, Guiseley, Yorkshire, manager of a twine manufactory, June 22 at 10, County Court of Yorkshire, at Leeds.—**J. Houghkey**, Great Driffield, Yorkshire, dealer in musical instruments, June 13 at 10, County Court of Yorkshire, at Great Driffield.—**Edw. Child**, Bath, Somersetshire, draper, June 18 at 11, County Court of Somersetshire, at Bath.—**Thomas Wroe**, Calverley, Yorkshire, farmer, June 21 at 11, County Court of Yorkshire, at Bradford.—**John Merrin**, Spondon, Derbyshire, hosier, June 18 at 12, County Court of Derbyshire, at Derby.—**John Augur**, Maidenhead, Berkshire, shoe manufacturer, June 10 at 10, County Court of Berkshire, at Windsor.—**T. Inman**, Bradford, Yorkshire, butcher, June 21 at 11, County Court of Yorkshire, at Bradford.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 15 at 11, before the CHIEF COMMISSIONER.*

**Benjamin Smith**, London-st., Uxbridge, Middlesex, dealer

in glass.—*George Lock Sharp*, Great Warley, near Brentwood, Essex, beer retailer.—*Robert Green Warren*, Marchmont-st., Brunswick-square, Middlesex, out of business.—*J. George Shafe*, Stepney-rents, Hackney-road, near Shoreditch Church, Middlesex, tin-plate worker.

June 15 at 10, before Mr. Commissioner LAW.

*Thomas Anstee*, Spencer-terrace, Lower-road, Islington, Middlesex, shoemaker.

Saturday, May 28.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*E. Hutchinson*, Low Green, Hindley, near Wigan, Lancashire, provision-shop keeper, No. 76,552 C.; *Thomas Litler*, assignee.—*Jas. A. Anderson*, Brighton, Sussex, tobacconist, No. 76,545 C.; *Francis Glading*, assignee.—*John Walker*, Kate's-hill, Dudley, Worcestershire, beer-house keeper, No. 76,140 C.; *Ellis Edkins*, assignee.—*John Cady Youngman*, *Clark Young*, Lower Chapman-st., Commercial-road, Middlesex, yeoman, No. 51,285 T.; *Thomas Edwards*, assignee.—*William Paterson*, Wandsworth, Surrey, travelling draper, No. 63,684 T.; *Wm. Hyslop*, assignee.—*W. Morgan*, Cheltenham, Gloucestershire, builder, No. 76,247 C.; *Wm. Nicks* and *Geo. Parsonage*, assignees.—*John Lewis*, Merthyr Tydfil, Glamorganshire, assistant to an ironmonger, No. 73,667 C.; *Thomas Wm. Lewis*, assignee.—*James Stacey*, Clare-court, Drury-lane, Middlesex, out of business, No. 63,636 T.; *Jonas Defries*, assignee.

Saturday, May 28.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

(On their own Petitions).

*Henry Galley Eden*, Union-row, New Kent-road, Surrey, commission agent: in the Gaol of Surrey.—*Thomas Willson*, Craven-street, Strand, Middlesex, architect: in the Queen's Prison.—*Paul Roberts* the younger, Dean-st., Commercial-road East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas J. Symonds*, Clerkenwell-green, Middlesex, surgeon's assistant: in the Debtors Prison for London and Middlesex.—*G. Rowbotham*, Church-st., High-street, Southwark, Surrey, grocer: in the Gaol of Surrey.—*Sidney Gale Bower*, Park-terrace, Old Kent-road, Surrey, wine merchant: in the Queen's Prison.—*W. Chapman*, Chingford Hatch, Essex, publican: in the Queen's Prison.—*James Powell Allen*, Tooley-st., Southwark, Surrey, master mariner: in the Queen's Prison.—*John Richardson*, Carlisle-mews, Church-st., Lisson-grove, Middlesex, coach builder: in the Debtors Prison for London and Middlesex.—*John Yonge*, Willow-cottages, Canonbury, Islington, Middlesex, attorney-at-law: in the Queen's Prison.—*R. Todd* the younger, Gravesend, Kent, clerk to a solicitor: in the Queen's Prison.—*Wm. H. Poole*, King-st., Old Kent-road, Surrey, out of business: in the Gaol of Surrey.—*Wm. Guy*, Essex-street, Strand, Middlesex, auctioneer: in the Debtors Prison for London and Middlesex.—*Charles Porter*, Bristol, licensed victualler: in the Gaol of Bristol.—*Thomas Baron*, Levens-hulme, Manchester, chemist: in the Gaol of Lancaster.—*J. Calvert*, Lancaster, retailer of beer: in the Gaol of Lancaster.—*Ambrose Hillman*, Tiverton, Bath, Somersetshire, corn dealer: in the Gaol of Wilton.—*George C. Kitchen*, Halton, near Leeds, Yorkshire, licensed victualler: in the Gaol of York.—*J. Almond*, Leeds, Yorkshire, fishmonger's assistant: in the Gaol of York.—*Enoch Wilkinson*, Digbeth, Birmingham, potato dealer: in the Gaol of Coventry.—*George Brant*, King's Norton, Worcestershire, baker: in the Gaol of Coventry.—*Thos. Collet*, West Bromwich, Staffordshire, baker: in the Gaol of Stafford.—*Richard Harris*, Bradney, Bawdrip, Somersetshire, dairyman: in the Gaol of Wilton.—*J. Bailey*, Bristol, barge owner: in the Gaol of Bristol.—*Thos. Thomas*, Swansea, Glamorganshire, beer-house keeper: in the Gaol of Cardiff.—*Wm. Thompson* the younger, Handsworth, Staffordshire, glass cutter: in the Gaol of Coventry.—*George A. Burston*, Great Malvern, Worcestershire, blacksmith: in the Gaol of Worcester.—*Henry Brooke*, Sheffield, Yorkshire, whitesmith: in the Gaol of York.—*Jacob Wood*, East Keswick, near Wetherby, Yorkshire, omnibus driver: in the Gaol of York.—*John Wright*, Lockwood, near Huddersfield, Yorkshire, grocer: in the Gaol of York.—*John T. Heap*, Hulme,

Manchester, out of business: in the Gaol of Lancaster.—*George Garrett*, Great Yarmouth, Norfolk, surgeon: in the Gaol of Norwich.—*Wm. Webb Owlett*, Milton-next-Sittingbourne, Kent, grocer: in the Gaol of Maldstone.—*John C. Prime*, Thriplow, Cambridgeshire, farmer: in the Gaol of Cambridge.—*John D. Halsted*, Cambridge, surgeon: in the Gaol of Cambridge.—*Thomas G. Shelton*, Ipswich, Suffolk, innkeeper: in the Gaol of Ipswich.—*G. B. Joyce*, Thonbridge, near Holmfirth, Yorkshire, out of business: in the Gaol of York.—*Thomas Middlebrook*, Gomersall, near Leeds, Yorkshire, foundryman: in the Gaol of York.—*J. Bickert*, Thirsk, Yorkshire, painter: in the Gaol of York.—*John Charlesworth*, Robert Town, near Leeds, Yorkshire, commission agent: in the Gaol of York.—*Joseph Morris*, Manchester, painter: in the Gaol of Lancaster.—*David Johnston*, Chorlton-upon-Medlock, Manchester, joiner: in the Gaol of Lancaster.—*John Shaw*, Chorlton-upon-Medlock, Manchester, painter: in the Gaol of Lancaster.—*J. Turner*, Ipswich, Suffolk, butcher: in the Gaol of Ipswich.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

June 14 at 11, before the CHIEF COMMISSIONER.

*Susannah Brooman*, Harley-st., Cavendish-sq., Middlesex, boarding-house keeper.—*William Arrowsmith*, Cambridge-terrace, High-street, Kingsland, Middlesex, brace maker.—*Mary Bedford*, Eccleston-terrace South, Pimlico, Middlesex, housekeeper.

June 15 at 10, before Mr. Commissioner LAW.

*Basil W. Wigan*, Castle-street East, Oxford-st., Middlesex, gentleman.

June 16 at 11, before Mr. Commissioner PHILLIPS.

*James Jaques*, Mount-street, New-road, Whitechapel-road, Middlesex, out of business.—*Frederick B. Lockwood*, South Audley-st., Grosvenor-sq., Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Glamorganshire, at CARDIFF, June 11.

*Edward Morgan*, Dowlais, grocer.

At the County Court of Hampshire, at PORTSMOUTH, June 14.

*James Urry*, Southsea, out of business.

At the County Court of Worcestershire, at WORCESTER, June 15 at 10.

*Prudence Keay*, widow, Balsall Heath, out of business.—*George A. Burston*, Great Malvern, blacksmith.

At the County Court of Northamptonshire, at NORTHAMPTON, June 15.

*Richard Place*, March, Isle of Ely, in no business.

At the County Court of Somersetshire, at TAUNTON, June 16.

*Ambrose Hillman*, Tiverton, near Bath, corn dealer.—*R. Harris*, Bradney, Bawdrip, dairyman.

At the County Court of Monmouthshire, at MONMOUTH, June 17 at 2.

*Thos. Watkins*, White Leigh, Trelleck, timber dealer.—*Joseph Robson*, Abergavenny, beer seller.

At the County Court of Pembrokeshire, at HAVERFORDWEST, June 17 at 10.

*John Robbin*, Prendergast, dealer in fruit.

At the County Court of Derbyshire, at DERBY, June 18 at 12.

*Henry Wilders*, Uttoxeter, cork manufacturer.

At the County Court of Norfolk, at NORWICH, June 28 at 10.

*James Hearn*, Long Stratton, shoemaker.

At the County Court of Gloucestershire, at BRISTOL, June 22 at 11.

*Charles Porter*, Bristol, out of business.

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# The Jurist

No. 857—VOL. XVII.

JUNE 11, 1853.

PRICE 1s.

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LONDON, JUNE 11, 1853.

It is a little surprising, and not very refreshing, to see how continuous is the stream of aspirants for the degree of barrister, notwithstanding the great decrease for the last few years of the business of the Bar, and the great and apparent probability that the amount of its business will not for many years more, if ever, be restored to its former state. During this term no less than twenty-two men were called to the Bar at the Inner Temple, and a considerable number at the Middle Temple and Lincoln's Inn; altogether the number called has not much fallen short of the calls in the palmy days of the Bar, when not only the Courts of Common-law were full, and Chancery business heavy, but in Parliament the atmosphere of the committee-rooms was surcharged with briefs, and bags could scarcely be large enough to hold the papers clamouring to be thrust into them. All this has long ceased; pleadings are *destroyed*; as the military phrase runs, the regiment has been literally "cut to pieces." At the Bar, both at Common-law and in Chancery, business has totally changed its character. The class of business that required what used to be called a "safe man" is nearly gone. Forms are so much given up, we do not say at all unwisely, but still in fact they are so much given up, and when still required, the cure of a defect in the framing or conduct of a suit is so comparatively easy and inexpensive, that there is nothing left to be safe about. Then, as to the class of business that required little

more than the name or appearance of counsel; motions of course of every kind; applications, which, if not absolutely of course, could rarely be practically the subject of opposition; and, in fact, almost every kind of light business has nearly disappeared from Chancery; and at law, we believe, it is wholly extinguished. The business of the draftsman in Chancery is diminished, at the most moderate calculation, one half. Bills are not half the length they used to be; answers are rare, and when put in at all, are neither long nor intricate; exceptions are things talked of as known to our predecessors. Numberless matters, which in Chancery used to require the advice and drawing of counsel out of court, and their presence in court, are now done in the judges' chambers. In fact, the style of business has altogether changed, and we hesitate not to say that the quantity of work to be done by *counsel* is diminished by at least one half. We say expressly the work to be done by *counsel*, because, under the present system, all the business appropriated to counsel must be done by counsel personally. There was, in the old style of business, both at law and in equity, much of a barrister's business which could be and was done by his pupils or by his clerk. There was unquestionably a great deal of routine rubbish which required the penman's finger, not the lawyer's head. There is, happily for the public, none such now. We know scarcely anything now which comes into a barrister's chambers, in doing which anybody can materially assist him; and so far from its being likely that the old state of things will return, the ten-

dency of the age is directly the other way: to simplify and shorten more and more—to expunge from legal procedure everything that is merely technical and subtle—to dispense with every step in a cause which can with any degree of safety be dispensed with—to compel brevity in all written statements—to bring, in fact, the preparation and conduct of a cause, as far as is practicable, to the presentation and discussion of the substantial questions of law and fact, and nothing else.

Now, that these reforms of the law will greatly raise the *status* of the Bar, we have no manner of doubt; but, on the other hand, neither have we any manner of doubt that a Bar of half the present number will, in a very few years, be sufficient to transact all the business of the country.

Is it, then, a time for young men to be flocking to the Bar, as if the days had returned, or were ever to return, when hundreds could reap considerable incomes by the transaction of purely formal business? We conceive not. Henceforth it should be well understood, by young men who have any inclination to choose the Bar as a profession, that there will be very little demand at the Bar except for thorough men of business. A fair amount of legal learning, a great amount of clear strong common sense, considerable powers of speaking, quickness, readiness, and energy—these, and these alone, will be the qualities that will enable counsel to transact business from this time forward for many long years. There is very little *common* business now; there will be none in a few years; it will all be special, and not easy. The change is, in fact, this—formerly the character of the business was such that there was much to do for *several* classes of men; now and henceforward the circle within which can be found the requisite qualifications is very much contracted. The business to be done is less, and will, at least for many years, be less in *quantity*, but of more difficult *execution*; consequently, if one may, without affront to the Bar, use a manufacturing expression, fewer and better hands will be wanted.

Again, therefore, we say, this is a time when the prospects of the Bar are not such as to afford any justification for the abundant supply which seems to be pouring into its ranks, or any ground for hope that one half of those who are coming in will ever find anything to do.

#### Rebiste.

*A Practical Treatise on the Law of Contracts not under Seal, and upon the usual Defences to Actions thereon.*  
By JOSEPH CHITTY, Jun., Esq. The Fifth Edition.  
By JOHN A. RUSSELL, LL.B., of Gray's Inn, Barrister at Law. [Sweet, 1853.]

THIS is another edition of a work which has been long recognised by the Profession as the most useful treatise upon the important branch of law to which it relates. There is probably no legal book in such constant request; it is a handbook of daily reference—a store of valuable information essential to the advocate and the pleader, both in court and at chambers. Although susceptible of an elementary treatment, the subject is also one which requires to be considered in a practical view, for it involves the rights, liabilities, and remedies which flow from voluntary dealings between

man and man. We cannot make any purchase, however simple, or take a house, or freight a vessel, or educate a child at school, or bury a friend, without a contract. Marriage is a contract; society is said to be founded on a contract; and, in short, man may be defined as a contracting animal. Contracts, moral, legal, and equitable, implied and express, executed and executory, absolute and conditional, lawful and unlawful, imposing perfect and imperfect obligations, complying with statutory and common-law requirements, together with their numerous and diversified incidents, form the contents of this volume.

While admitting the merits of Mr. Chitty's work, and that it fulfilled one of the conditions annexed to the subject, namely, its practical treatment, we think that it was yet capable of improvement as a *scientific* treatise. The present editor, Mr. John A. Russell\*, however, has fully supplied any deficiency in this respect, and is warranted in stating, "that whilst he has endeavoured, by an ample reference to cases, to keep up the practical character of the work, he has at the same time endeavoured to state and explain the principles on which the cases referred to were decided, or which are deducible therefrom, and by exhibiting these principles, so far as the nature of the subject would permit, in a connected series of propositions, to shew, more fully than he had previously done, by what rules and maxims that branch of our law of which the book treats is governed."

We are glad to find that so useful a work has met with so able and industrious an editor.

#### REGULÆ GENERALES.

##### ORDER OF COURT.—June 2, 1853.

I, the Right Honourable ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, do hereby order and direct in manner following, that is to say—

That so much of the Order of Court of the 10th day of May, 1853, be revoked as directs that the Accountant-General of this Court, in all cases in which no notice should, on or before the 31st day of May, 1853, have been given to him of an order made by the Master of the Rolls or one of the Vice-Chancellors, authorising and directing him to receive such capital sums as thereinbefore referred to, or to signify such assent as therein aforesaid, as to any portion of the Annuities thereinbefore referred to as standing in his name, should, on or before the 3rd day of June then next, signify to the Governor and Company of the Bank of England, or to the South Sea Company, as the case might be, his assent to accept and receive, in lieu of the Old South Sea Annuities, New South Sea Annuities, Bank Annuities, 1726, and 3½ per Cent. Annuities, 1751, standing in his name, or of such part thereof as to which no such notice as therein aforesaid should have been given to him, a competent sum of 2l. 10s. per Cent. Annuities, according to the provisions of the act thereinbefore mentioned; and that the Accountant-General should in such case carry such 2l. 10s. per Cent. Annuities to the credit of the same causes or matters respectively in respect whereof such assent should so have been signified by him as therein aforesaid; and that the same should be held upon the same trusts, and should be subject to the same orders, as the Annuities in respect of which the same should so be received.

(Signed) CRANWORTH, C.

\* Mr. Russell also edited the fourth edition.

## ORDER OF COURT.—June 3, 1853.

The Right Honourable ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, doth hereby order and direct in manner following, that is to say—

That in all cases in which any Order directing the investment from time to time of any interest or dividends accruing upon any stocks or securities standing in the name of the Accountant-General to the credit of any cause, matter, or account, or upon any stocks or securities, which may be ordered to be transferred into the name of the Accountant-General, or to be carried over with his privity from one account to another, or upon any stocks or securities which may be ordered to be purchased with any cash in court, or with any cash to be paid into court with the like privity, shall be brought to the Accountant-General for the purpose of having such direction for investment carried into effect, the said Accountant-General may, from time to time, until he shall receive notice of an Order to the contrary, without any further request, invest the interest and dividends so directed to be invested, together with all accumulations of interest and dividends thereon, as soon as conveniently may be after they shall accrue due and have been received, in the purchase of the particular description of stock or security named in such Order, and place such stocks or securities, when purchased, to the credit of the cause, matter, or account respectively, as may be directed by such Order.

(Signed) CRANWORTH, C.

## GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—Henry Bullar, Esq.; William Grapel, Esq.; John George Dodson, Esq.; George Higinbotham, Esq.; Charles Blayd Molyneux, Esq.; Charles Corrie Weston, Esq.; Charles Brodie Locock, Esq.; William Henry Buchanan, Esq.; George Osborne Morgan, Esq.

INNER TEMPLE.—John Charles Templer, Esq., B. A.; Henry John Ball, Esq., B. A.; Crompton Hutton, Esq., B. A.; James Arthur Yonge, Esq., M. A.; James Henry Standen, Esq., M. A.; James Dawson Rodrick, Esq.; Robert Berry, Esq., M. A.; Horatio Mansfield, Esq., M. A.; William Monk Jervis, Esq., B. C. L.; William Retton, Esq., B. A.; William Windham Baring, Esq., B. A.; Henry Anstey Bosanquet, Esq., M. A.; John Edward Taylor, Esq.; Henry Carlyon Phear, Esq., M. A.; William Nunez Heysham, Esq.; Edward John Willoughby, Esq., M. A.; Richard Formby, Esq., LL. B.; George Henry Amory, Esq.; William Henry Harrold, Esq., M. A.; Arthur John Wood, Esq.; Alfred Dalby, Esq.; John Thirlwall, Esq.

MIDDLE TEMPLE.—Henry Holroyd, Esq.; Murdo Young, jun., Esq., of Queen's Coll., Camb.; Richard Augustus Bethell, Esq.; John Matthew Jones, Esq.; Robert Richardson, Esq., F. S. A.; Charles Henry Hopwood, Esq.; Henry Frederick Gibbons, Esq., of Trin. Hall, Camb.

GRAY'S INN.—Rollo James Bulkeley, Esq.

CAMBRIDGE ELECTION COMMISSION.—The Queen has appointed Graham Willmore, Esq., Q. C.; George Boden, Esq.; and Thomas Tower, Esq., to be Commissioners for the purpose of making inquiry into the existence of corrupt practices at the last election for the borough of Cambridge.

## PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held at Lincoln's Inn Hall on the 23rd, 24th, and 25th days of May, 1853, the Council of Legal Education awarded to—

M. E. Grant Duff, Esq., student of the Inner Temple, a studentship of 50 guineas per annum, to continue for a period of three years.

William Langford, Esq., student of Gray's Inn, a certificate of honour, as having passed the second best examination.

William Fry Buchanan, Esq., student of Lincoln's Inn, Hubert Lewis, Esq., student of the Middle Temple, and Edward Irvine Howard, Esq., student of the Middle Temple, certificates that they have satisfactorily passed a public examination.

## London Gazettes.

FRIDAY, JUNE 3.

## BANKRUPTS.

CHARLES PARKINSON JAMES (and *not* BENJAMIN, as advertised in the Gazette of the 31st May) LAING, London, and the Island of Dominica, master mariner, merchant, dealer and chapman, June 9 at half-past 11, and July 7 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrence & Co., Old Jewry-chambers.—Petition filed May 30.

ALLAN STEWART HAY, Old Broad-street, London, ship-owner, merchant, commission agent, dealer and chapman, June 14 at 1, and July 21 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Taylor & Collisson, 28, Great James-street.—Petition filed May 31.

WILLIAM LONG, Philip-street, Backchurch-lane, St. George's-in-the-East, Middlesex, licensed victualler, dealer and chapman, June 11 at 1, and July 23 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Braddon, 8, Gray's-inn-place, Gray's-inn.—Petition dated June 1.

HENRY WARLAND, Commercial-place, City-road, Middlesex, builder, dealer and chapman, June 11 at 12, and July 23 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Cox & Taylor, 4 and 5, Pinner's-hall, Old Broad-street.—Petition dated May 17.

JOHN JOHNSON, Great Winchester-street, London, East India merchant, June 13 and July 13 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Messrs. Drues, 10, Billiter-square, London.—Petition filed May 24.

GEORGE HANDSON JULIAN, Exeter, coal dealer, June 14 at 11, and July 7 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Hooper, Exeter.—Petition filed May 31.

EDWARD RIDLEY, Liverpool, tailor and draper, June 21 and July 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Evans & Son, Liverpool.—Petition filed April 22.

JOHN TODD, Newcastle-upon-Tyne, distiller, corn factor, merchant, dealer and chapman, June 15 at 11, and July 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Hoyle, Newcastle-upon-Tyne; Hill & Matthews, St. Mary-axe, London.—Petition filed May 21.

## MEETINGS.

Julien Thos. Denis, Lime-street, London, and Spur-street, Leicester-square, Middlesex, wine merchant, June 28 at half-past 12, Court of Bankruptcy, London, last ex.—Albert Milsted, Swansea and Cardiff, Glamorganshire, furrier, June 16 at 11, Court of Bankruptcy, London, and ac.—Joseph H. Spry, Bath, apothecary, June 23 at 11, District Court of Bankruptcy, Bristol, and ac.—James Spry, Bath, apothecary, June 23 at 11, District Court of Bankruptcy, Bristol, and ac.—Andrew Love and Charles Keys, Liverpool, looking-glass manufacturers, June 16 at 11, District Court of Bankruptcy, Liverpool, and ac. sep. est. of C. Keys.—Thomas Evans, Mold, Flintshire, carrier, June 16 at 11, District Court of Bankruptcy, Liverpool, and ac.—James Hurry,



Liverpool, wine merchant, June 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Johnson*, Wakefield, Yorkshire, cabinet maker, July 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.; at half-past 11, div.—*Thos. Hamblet*, Geo. Warren, and *Nathaniel W. Dobson*, Brotherton, Yorkshire, glass manufacturers, June 16 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Joseph M. Lintock*, Barnsley, Yorkshire, linen manufacturer, June 16 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Oyston*, Wakefield, Yorkshire, linendraper, June 16 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*James Wheeler*, Scarborough, Yorkshire, wine merchant, June 16 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Peter Thornton*, Preston, Lancashire, plumber, June 17 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 24 at 12, div.—*James Goddard* and *Holland Goddard*, Market Harborough, Leicestershire, bankers, June 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Underwood*, High-st., Southwark, Surrey, grocer, June 25 at 12, Court of Bankruptcy, London, fin. div.—*Frederick Arthur Butt*, Henry-st., Pentonville, Middlesex, grocer, June 24 at half-past 1, Court of Bankruptcy, London, div.—*Edmund Plummer*, Diss, Norfolk, butcher, June 24 at half-past 1, Court of Bankruptcy, London, div.—*Thos. Butler Miller* and *Wm. Miller*, Henstridge-villas, St. John's-wood, Middlesex, builders, June 24 at 1, Court of Bankruptcy, London, div.—*Joseph Frederick Mason*, Dover, Kent, draper, June 28 at 1, Court of Bankruptcy, London, div.—*Richard White*, Birmingham, cut nail manufacturer, June 13 at 1, District Court of Bankruptcy, Birmingham, aud. ac.; June 27 at half-past 10, div.—*Jane Walker*, Halifax, Yorkshire, linendraper, June 24 at 11, District Court of Bankruptcy, Leeds, div.—*J. Mitchell*, Horton, Bradford, and *Edward Clarkson*, Horton, Yorkshire, worsted spinners, June 24 at 11, District Court of Bankruptcy, Leeds, div. rep. est. of *J. Mitchell*.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Jules Artigues*, Mark-lane, London, merchant, June 24 at 12, Court of Bankruptcy, London.—*Wm. Ayres*, Blackheath, Kent, nurseryman, June 25 at 12, Court of Bankruptcy, London.—*Wm. Crowley*, Newport Pagnell, Buckinghamshire, wheelwright, June 24 at 1, Court of Bankruptcy, London.—*Jos. Frederick Mason*, Dover, Kent, draper, June 28 at 1, Court of Bankruptcy, London.—*Robert Baxter*, Wisbech, Cambridgeshire, currier, June 28 at 1, Court of Bankruptcy, London.—*Wm. Latham*, Shelton, Stoke-upon-Trent, Staffordshire, shoemaker, June 29 at 12, District Court of Bankruptcy, Birmingham.—*Robert Liddell*, Doncaster, Yorkshire, saddler, June 25 at 10, District Court of Bankruptcy, Sheffield.—*Alfred Platts*, Sheffield, Yorkshire, tailor, June 25 at 2, District Court of Bankruptcy, Sheffield.—*Edward Harris Ruddock* and *Henry Ebison*, Bradford, Yorkshire, marble masons, June 25 at 10, District Court of Bankruptcy, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*John Plimmer*, Britten-st., Chelsea, Middlesex, brewer.—*Richard Halcro*, Sunderland, Durham, provision merchant.—*Wm. Latham*, Shelton, Stoke-upon-Trent, Staffordshire, shoemaker.—*J. Johnson*, Wakefield, Yorkshire, cabinet maker.—*Stephen Bennison*, Bridlington Quay, Yorkshire, miller.—*Anthony W. John Cavalier*, Attercliffe, near Sheffield, Yorkshire, sugar refiner.

#### PARTNERSHIP DISSOLVED.

*Thos. Caldwell Robinson* and *James Southern*, Altrincham, Cheshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*Rodger & Stark*, Glasgow, toy merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Shaw Gaman*, Chester, out of business, June 7 at half-past 10, County Court of Cheshire, at Chester Castle.—*Robert Taylor*, Chester, draper, June 7 at half-past 10, County Court of Cheshire, at Chester Castle.—*C. Leggatt*, Long Buckby, Northamptonshire, baker, June 27 at 11,

County Court of Northamptonshire, at Daventry.—*Thomas Oates*, York, hat dealer, June 20 at 10, County Court of Yorkshire, at York.—*John F. Callermole*, Hingham, Norfolk, police constable, June 25 at half-past 11, County Court of Norfolk, at Wymondham.—*Thos. Hobbs*, Leamington Priors, Warwickshire, in no business, June 20 at 2, County Court of Warwickshire, at Warwick.—*Henry S. Hammond*, Warwick, in no business, June 20 at 2, County Court of Warwickshire, at Warwick.—*Humphrey Hawkins*, Cheslyn Hay, Staffordshire, out of business, June 25 at 9, County Court of Staffordshire, at Wolverhampton.—*James Page*, Wolverhampton, Staffordshire, dispenser of medicines, June 25 at 9, County Court of Staffordshire, at Wolverhampton.—*Henry Barnett*, Wolverhampton, Staffordshire, plumber, June 25 at 9, County Court of Staffordshire, at Wolverhampton.—*James Schofield*, Huddersfield, Yorkshire, stonemason, June 16 at 10, County Court of Yorkshire, at Huddersfield.—*David Bradley*, Honley Wood Nook, Almondbury, Yorkshire, small farmer, June 20 at 11, County Court of Yorkshire, at Holmfirth.—*Moses Thomas*, Wolverley, Worcestershire, tailor, June 22 at 10, County Court of Worcestershire, at Kidderminster.—*Thomas Gilbert*, Leighton Buzzard, Bedfordshire, licensed victualler, June 25 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*John Bond*, Walsall, Staffordshire, harness furniture coverer, June 17 at half-past 9, County Court of Staffordshire, at Walsall.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 17 at 11, before the CHIEF COMMISSIONER.*

*James Gurney*, Kingston-on-Thames, Surrey, carpenter.

*June 17 at 10, before Mr. Commissioner LAW.*

*James Pitt*, Ifield-terrace, Lansdowne-grove, Stockwell, Lambeth, Surrey, commercial traveller.—*Thomas Temple*, deceased, Kew-road, Richmond, Surrey, china dealer.

*June 18 at 11, before Mr. Commissioner PHILLIPS.*

*John Tough*, Belvedere-crescent, Belvedere-road, Surrey, mathematical instrument maker.—*Geo. Woodward*, Smith's-cottage, Lovegrove-street, Old Kent-road, Surrey, brewer's labourer.—*Henry Aris*, Richmond, Surrey, bricklayer.

*June 20 at 10, before Mr. Commissioner LAW.*

*Frederick Revis*, Russell-street, Brixton-road, and Vassal-road, North Brixton, Lambeth, Surrey, watchmaker.

*June 20 at 11, before Mr. Commissioner PHILLIPS.*

*Charles C. Brooke*, Sloane-st., Chelsea, Middlesex, captain in the City of London militia.

*Final Orders will be made in the Matters of the following Persons, Petitioners for Protection from Process, at the Court-house, Portugal-street, Lincoln's-inn, unless cause be shewn to the contrary, as follows:—*

*June 17 at 10, before Mr. Commissioner LAW.*

*James Richards*, New-road, Woolwich, Kent, stove manufacturer.—*Wm. Fell* the elder, Snow's-fields, Bermondsey, Surrey, tailor.—*Wm. Lyne*, Southampton-street, Strand, and Bishop's-yard, Charles-street, Grosvenor-square, Middlesex, carpenter.—*Wm. S. Matthew*, Wellington-street, Bethnal-green, Middlesex, in no business.

*June 18 at 11, before Mr. Commissioner PHILLIPS.*

*Charles Gay* the elder, Watford, Hertfordshire, baker.—*Jas. R. Smith*, Clare-street, Clare-market, Middlesex, licensed victualler.

*June 20 at 10, before Mr. Commissioner LAW.*

*Wm. Charlick*, Romford, Essex, tinman.—*John Brown*, Bartlett's-buildings, Holborn, London, out of business.

*June 20 at 11, before Mr. Commissioner PHILLIPS.*

*F. T. B. Haine*, Princes-square, Kennington-cross, Kennington, Surrey, bricklayer.—*Charles Chapman*, Park-place, Kennington-cross, Kennington-road, Surrey, cowkeeper.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

June 17 at 11, before the CHIEF COMMISSIONER.

John C. Hewitt, Montpelier-villas, Stockwell, Surrey, wine merchant.

June 18 at 11, before Mr. Commissioner PHILLIPS.

Joseph Cantoni, Horsham, Sussex, licensed victualler.—R. Davis, Westminster-bridge-road, Lambeth, Surrey, umbrella manufacturer.

June 20 at 10, before Mr. Commissioner LAW.

Daniel Yardley, Wanstead, Essex, tailor.—John H. Romer, Brewer-street, St. James's, Westminster, Middlesex, licensed victualler.

County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—

Enoch Hutchinson, Hindley, near Wigan, out of business, No. 76,552; Thomas Little, assignee.—Wm. Davis, Cheetham, Manchester, plasterer, No. 76,342; Lionel Winder, assignee.—James Hope, Preston, builder, No. 76,410; John Rutherford, assignee.—Thomas Helme, Lancaster, victualler, No. 76,503; George Vince, assignee.—Johnson Sharp, Liverpool, butcher, No. 76,614; Robert Shacklady, assignee.—T. Bancroft, Much Woolton, near Liverpool, estate agent, No. 76,613; Edmund Ward, assignee.—Levi Longworth, Prestole Outward, near Bolton-le-Moors, provision-shop keeper, No. 76,585; Charles Skelton and Isaac Grundy, assignees.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER, June 17 at 11.

David Johnstone, Chorlton-upon-Medlock, Manchester, agent for the sale of Brisbane's Patent West Motion.—Henry Pimblett, Hindley, near Wigan, out of business.—J. Taylor, Manchester, out of business.—Joseph Morris, Manchester, painter.—John Shaw, Chorlton-upon-Medlock, Manchester, painter.—Ann Palmer, Manchester, sausage manufacturer.—Charles Williams, Breden, Worcestershire, blacksmith.—R. Hancock, Manchester, grocer.—James Hayes, Ince, near Wigan, grocer.—Wm. Harwood, Manchester, out of business.—John Calvert, Lancaster, dealer in ale.—Edward Jones, Liverpool, out of business.—George Ryder, Little Bolton, Bolton-le-Moors, roller maker.—William Ratcliffe, Ashton-under-Lyne, butcher.—James Falkner, Salford, grocer.—M. Stearns, Liverpool, shoemaker.—Samuel Cooper, Ashton-under-Lyne, carter.—R. Wolstencroft, Oldham, builder.

At the County Court of Suffolk, at IPSWICH, June 17 at 10.

John Kindred, Framlingham, miller.—Thomas G. Shelton, Ipswich, out of business.—James Turner, Ipswich, butcher.

At the County Court of Hampshire, at WINCHESTER, June 17.

C. W. Eastwood, Winchester, out of business.—Chas. Hutt, Newport, Isle of Wight, in no trade.

At the County Court of Warwickshire, at WARWICK, June 20 at 10.

David Nelson, Birmingham, physician.

At the County Court of Yorkshire, at YORK, June 20.

The Rev. John Starkey, Wakefield, clerk in holy orders.—John Arison, Spittle Bech Inn, near Malton, farm servant.—John Brook, Holmfirth, near Huddersfield, clothier.—John Steel, Bradford, shoemaker.—George Chamberlain, Skipton, out of business.—John Wright, Lockwood, Almondbury, near Huddersfield, grocer.—George B. Joyce, Thongabridge, Woldale, near Holmfirth, out of business.—Henry Brooke, Sheffield, whitesmith.—John Bickers, Thirsk, painter.—John Charlesworth, Robert-town, near Leeds, commission agent.—Thomas Middlebrook, Gomersal, near Leeds, foundryman.—Jacob Wood, East Keawick, near Wetherby, omnibus driver.—George C. Kitchen, Halton, near Leeds, out of business.—Wm. Clough, Leeds, out of business.—John Midgley, Hebden-bridge Lanes, near Halifax, shopkeeper.—John Almond, Leeds, fishmonger's assistant.

TUESDAY, JUNE 7.

#### BANKRUPTS.

JAMES BLACK and RUPERT COPE, Vulcan-wharf, Earl-street, Blackfriars, London, iron merchants, dealers and chapmen, June 17 at 1, and July 12 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Marten & Co., 31, Commercial Sale-rooms, Mincing-lane.—Petition filed June 7.

HENRY FENN, Suffolk-place, Commercial-road East, Middlesex, cheesemonger, dealer and chapman, June 18 at 12, and July 23 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition dated June 3.

EDWARD SMITH, South Shields, Durham, linen and woollen draper, dealer and chapman, June 16 and July 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brignal, Durham; Hartley, 6, Southampton-street, Bloomsbury, London.—Petition filed June 2.

#### MEETINGS.

Edward Leman, Church-row, Newington, Surrey, and T. K. Bryan, Old Swan-pier, Upper Thames-street, London, wharfingers, June 17 at half-past 1, Court of Bankruptcy, London, pr. d. sep. est. of T. K. Bryan.—H. M. Coll, South Shields, Durham, bookseller, June 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—Joseph S. Samuel, Hatton-garden, Middlesex, watch manufacturer, June 30 at 2, Court of Bankruptcy, London, aud. ac.—Richard Dunn and Richard Dacre Dunn, Wakefield, Yorkshire, corn factors, June 21 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.—William James, Lincoln, chemist, June 29 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; at half-past 12, div.—Charles Read, Great Grimsby, Lincolnshire, wine merchant, June 29 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; at half-past 12, div.—Samuel Gillatt, Chapel-street, Grosvenor-square, Middlesex, builder, June 28 at half-past 11, Court of Bankruptcy, London, div.—J. Appleton, Hounslow, Middlesex, ironmonger, June 28 at 11, Court of Bankruptcy, London, div.—Thomas Coleman, St. Albans, Hertfordshire, victualler, June 28 at 11, Court of Bankruptcy, London, div.—Robert Bond, Hatton-garden, Middlesex, wine merchant, June 28 at 1, Court of Bankruptcy, London, div.—Robert Scott, William Fairlie, and Joseph Hare, Union-court, London, merchants, June 30 at 12, Court of Bankruptcy, London, div.—Joseph Blackband, Newport, Shropshire, grocer, June 29 at 12, District Court of Bankruptcy, Birmingham, fin. div.—Charles Lucas, Richard Wilkinson, and Edward Bond, Manchester, calico printers, June 30 at 12, District Court of Bankruptcy, Manchester, div. sep. est. of C. Lucas.—John Goudeabrough, Manchester, manufacturer, June 30 at 12, District Court of Bankruptcy, Manchester, div.—Thos. Carter, Preston, Lancashire, corn merchant, July 1 at 12, District Court of Bankruptcy, Manchester, div.—Samuel Croeland, Elland, Yorkshire, corn miller, June 30 at 12, District Court of Bankruptcy, Leeds, div.—Joseph Armitage, James Armitage, William H. Armitage, and Charles Armitage, Maraden, Almondbury, Yorkshire, woollen cloth manufacturers, June 28 at 11, District Court of Bankruptcy, Leeds, second and fin. div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Robert Bond, Mitre-court, Hatton-garden, Middlesex, wine merchant, June 28 at 1, Court of Bankruptcy, London.—Morris Harris, Regent-st., Middlesex, furrier, June 28 at 11, Court of Bankruptcy, London.—Henry Stone, Edgeware-road, Middlesex, harness maker, June 28 at half-past 12, Court of Bankruptcy, London.—George Smith, Manchester, hatter, June 30 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

Christian Bruce Reid, Newcastle-upon-Tyne, common brewer.—Wm. Royston, Manchester, builder.—Thomas Wm. Baker, West Derby, Walton-on-the-Hill, and Liverpool, Lancashire, tobacconist.

#### SCOTCH SEQUESTRATION.

George Darling, Edinburgh, clothier.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Kerrison*, Liverpool, shoe seller, June 20 at 10, County Court of Lancashire, at Liverpool.—*Michael Rice*, Crediton, Devonshire, rope maker, July 4 at 10, County Court of Devonshire, at Crediton.—*George Tyer*, Gosport, Alverstoke, Southampton, boot maker, June 21 at 11, County Court of Hampshire, at Portsmouth.—*W. Augustus Kerby*, Landport, Portsea, Southampton, foundryman, June 21 at 11, County Court of Hampshire, at Portsmouth.—*George Amey*, Hawley, Hampshire, farm labourer, June 13 at 11, County Court of Hampshire, at Petersfield.—*Henry Roades Homer*, Dudley, Worcestershire, plumber, June 28 at 9, County Court of Worcestershire, at Dudley.—*John Leedham*, Sedgley, Staffordshire, tailor, June 28 at 9, County Court of Worcestershire, at Dudley.—*Matthias Dimmock*, Netherton, Dudley, Worcestershire, miner, June 28 at 9, County Court of Worcestershire, at Dudley.—*Joseph Fuller Taylor*, Woodbridge, Suffolk, shoemaker, June 17 at 10, County Court of Suffolk, at Ipswich.—*Wm. Murray*, Ipswich, Suffolk, draper, June 17 at 10, County Court of Suffolk, at Ipswich.—*James Clarke*, Ipswich, Suffolk, beer-house keeper, June 17 at 10, County Court of Suffolk, at Ipswich.—*Wm. Woollard*, Coddensham, Suffolk, blacksmith, June 17 at 10, County Court of Suffolk, at Ipswich.—*Robert Brown*, Ipswich, Suffolk, auctioneer, June 17 at 10, County Court of Suffolk, at Ipswich.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 22 at 11, before the CHIEF COMMISSIONER.*

*Andre Arnaud*, Pantou-st., Haymarket, Middlesex, hotel keeper.—*Wm. H. Renshaw*, Upper Stamford-st., Waterloo-road, Surrey, miniature case maker.—*T. Branwell Kingston*, Great College-st., Camden-town, Middlesex, clerk to a steel pen manufacturer.

*June 22 at 10, before Mr. Commissioner LAW.*

*Henry Heath*, Oval-cottages, Hackney-road, Middlesex, out of business.—*Philip Pye*, Bromley, Middlesex, stable keeper.

*Saturday, June 4.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Thomas Ubedell*, Great Portland-st., Oxford-st., Middlesex, fringe manufacturer, No. 63,488 T.; *Thomas Reginald Kemp*, assignee.—*Charles Piment*, Queen's-terrace, St. John's-wood, Middlesex, cheesemonger, No. 63,690 T.; *Edward Lane*, assignee.—*Samuel Rumball*, Stamford-hill, Middlesex, grocer, No. 63,704 T.; *L. Laurence*, assignee.—*G. Norman*, Wightwick, Staffordshire, out of business, No. 76,446 C.; *G. England* and *G. J. England*, assignees.

*Saturday, June 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Gunn*, Hand-court, Holborn, Middlesex, general engraver: in the Debtors Prison for London and Middlesex.—*Charles Charlton*, Great Cumberland-street, Oxford-street, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Foster*, Old-street, St. Luke's, Middlesex, licensed retailer of beer: in the Debtors Prison for London and Middlesex.—*George Wm. Aplin*, Princes-place, Kennington-cross, Surrey, builder's clerk: in the Gaol of Surrey.—*Daniel Wilson*, Great St. Helen's, Bishopsgate-st., City, out of business: in the Debtors Prison for London and Middlesex.—*Jacob G. Lavey*, Artillery-place West, Bunhill-row, Middlesex, merchant: in the Debtors Prison for London and Middlesex.—*John Wheatley*, Regent-street, Princes-road, Kennington-cross, Surrey, cab driver: in the Gaol of Surrey.—*Daniel Butler*, Adam-st. West, Bryanstone-sq., Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.

—*Wm. Parker* the younger, De Beauvoir-place, Kingdland, Middlesex, surveyor: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Sackville W. L. Fox*, St. James's-square, Middlesex, in no trade: in the Queen's Prison.

*(On their own Petitions).*

*Wm. Bury*, Over Darwen, near Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*James Falkner*, Salford, Lancashire, grocer: in the Gaol of Lancaster.—*Edward Jones*, Liverpool, beer seller: in the Gaol of Lancaster.—*Edward Robinson*, Hawkhead, Lancashire, painter: in the Gaol of Lancaster.—*Anne Care*, Ludgvan, Cornwall, farmer: in the Gaol of Bodmin.—*Wm. Care*, Ludgvan, Cornwall, farmer: in the Gaol of Bodmin.—*Richard Osley*, Hythe, Kent, out of employment: in the Gaol of Dover.—*George Ryder*, Little Bolton, Bolton-le-Moors, Lancashire, roller maker: in the Gaol of Lancaster.—*Charles Hull*, Castle View, Newport, Isle of Wight, Hampshire, in no trade: in the Gaol of Winchester.—*Samuel R. Toms*, Brighton, Sussex, wine merchant: in the Gaol of Lewes.—*Charles Weller*, Watlingtonbury, Kent, butcher: in the Gaol of Maidstone.—*John William Starmer*, New Cross-road, Deptford, Kent, out of business and employ: in the Gaol of Maidstone.—*Wm. Davies Kitchen*, Lane Ends, Tongue-with-Haugh, Bolton-le-Moors, Lancashire, grocer: in the Gaol of Lancaster.—*Thomas Price*, Birmingham, out of business: in the Gaol of Warwick.—*John George*, Ormesby St. Margaret, Norfolk, carpenter: in Gaol of Norwich.—*John Rawcliffe*, Blackburn, Lancashire, beerseller: in the Gaol of Lancaster.—*Thomas Dixon*, Longhorsley, Northumberland, husbandman: in the Gaol of Morpeth.—*Edward Soothill*, Sowerby, near Halifax, Yorkshire, dyer: in the Gaol of York.—*Charlotte C. Hodgson*, Leeds, Yorkshire, schoolmistress: in the Gaol of York.—*John Farley*, Brighton, Sussex, licensed victualler: in the Gaol of Lewes.—*James Armstrong*, King's Lynn, Norfolk, linendraper: in the Gaol of Norwich.—*John Hadfield*, Egmout, Cheshire, confectioner: in the Gaol of Springfield.—*Stephen R. Perkins*, Great Yarmouth, Norfolk, sail maker: in the Gaol of Norwich.—*John Green*, Castleton, near Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—*Charles Price*, Birmingham, out of business: in the Gaol of Warwick.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 21 at 11, before the CHIEF COMMISSIONER.*

*Elizabeth Ann Smith*, widow, Commercial-street, White-chapel, Middlesex, bar-woman to a licensed victualler.—*M. Bain*, Hampstead-street, Fitzroy-square, Middlesex, brick-layer.

*June 22 at 10, before Mr. Commissioner LAW.*

*Wm. H. Poole*, King-street, Old Kent-road, Surrey, out of business.—*John Richardson*, Little Carlisle-mews, Middlesex, omnibus builder.—*Paul Roberts* the younger, Dean-street, Commercial-road East, Middlesex, out of business.

*June 23 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Jonathan Symonds*, Clerkenwell-green, Middlesex, surgeon's assistant.—*Wm. Guy*, Essex-street, Strand, Middlesex, auctioneer.—*Wm. Chapman*, Chingford Hatch, Chingford, Essex, publican.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, June 21 at 10.*

*John Elkington*, Shrewsbury, out of business.—*J. Onian*, Bishop's Castle, innkeeper.

*At the County Court of Warwickshire, at COVENTRY, June 22 at 12.*

*Wm. Thompson* the younger, Handsworth, Staffordshire, out of business.—*George Brant*, King's Norton, Worcester-shire, baker.—*Thomas Edwards*, Rugby, cabinet maker.

**MERCANTILE LAW COMMISSION.**—The Queen has been pleased to appoint the Right Hon. Thomas Berry Cusack Smith, Master of the Rolls of the High Court of Chancery in Ireland; Sir Cresswell Cresswell, Knt., one of the Justices of the Court of Common Pleas in England; John Marshall, Esq., one of the Senators of the College of Justice in Scotland; George William Wilshire Bramwell, Esq., Q. C.; James Anderson, Esq., Q. C.; Kirkman Daniel Hodgson, Esq.; Thomas Bazley, Esq.; and Robert Slater, Esq., to be her Majesty's Commissioners for inquiring into the expediency of assimilating the mercantile laws of the United Kingdom.

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That the number of existing Policies was 1,065, assuring . . . £489,910

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That the Annual Income of the Society was . . . 18,540

That a very careful and minute valuation of the assets and liabilities of the Society on the 31st December last had been made, in which each Policy had been separately valued.

That although the investments had hitherto yielded from 4 to 5 per cent., and might fairly be expected, for many years to come, to produce 4 per cent. at least, the Actuary, in his valuation, had, for the purpose of avoiding exaggeration, assumed the funds of the Society would not be improved at a higher rate of interest than 3 per cent.

That no portion of future profits on existing Policies had been anticipated for this division, although the present value thereof is 41,009l. 15s. 5d.

That the total Assets of the Society on the 31st December last were . . . £252,288 7 0

And the Liabilities of all kinds . . . 212,267 8 8

Showing a balance in favour of the Society of . . . 40,020 18 9

From which deducting Shareholders' paid-up capital of . . . 25,000 0 0

A net surplus of . . . £15,020 18 9 remained to the credit of the General Assurance Fund, and was applicable by way of bonus to the different parties interested. Of this surplus 9,779l. is to be distributed among the Participating Class of Policyholders, and the residue of 5,250l. 18s. 9d. is divisible in equal parts among the Shareholders and those who had introduced assurances to the Society. That the holders of Participating Policies receive no less than 80 per cent. of the profits arising from assurances effected on that scale; and the remaining profits, instead of being, as usual in other companies, appropriated exclusively to the Shareholders, were in this Society divided between the Shareholders and those through whom Policies had been introduced, the Shareholders having by the Deed of Settlement consented to relinquish a moiety of their proportion of the profits, with a view to the extension and prosperity of the Office, and without in any manner prejudicing the interest of the Assured.

That the gross Profits which had arisen would enable the Proprietors to declare a Reversionary Bonus of from 1½ to upwards of 2½ per cent. per annum on the amount assured, and equivalent, in some cases, to upwards of 6l. per cent. on the amount of Premiums paid; to declare a dividend of 2s. 7½d. per Share on the Shares of the Society, being an immediate Cash Bonus of 10½ per cent. on the paid-up Capital, in addition to the interest of 4 per cent. per annum hitherto paid to the Shareholders; and also to declare an extra Commission of 7½ per cent. on the Commissions already paid on the Premiums received for Assurances.

The Report was received, and Resolutions confirming the same unanimously adopted.

The Directors and Auditors going out of office by rotation were unanimously re-elected.

Thanks were voted to the Chairman for his impartial and able conduct in the chair, and the Meeting separated.

CHARLES JOHN GILL, Secretary.

N. B.—The future Divisions will be triennial, and all Policies will be entitled to participate in four-fifths of the Profits after payment of one Premium only, and will be issued free of Stamp Duty to the Assured.

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Lord BROUGHAM will take the Chair at Three o'clock precisely.  
By order of the Council,  
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**UNITED LAW CLERKS' SOCIETY.**—The Honourable Mr. Justice COLERIDGE has kindly consented to preside at the Twenty-first ANNIVERSARY DINNER of this Society, which will take place here on Tuesday, the 14th day of June next, at Six o'clock precisely.

HARRY G. ROGERS, Secretary.

Fremasons' Tavern, May 27, 1853.

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# The Jurist

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JUNE 18, 1853.

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LONDON, JUNE 18, 1853.

THE Second Report of the Common-law Commissioners, which it is said will shortly appear in the form of a statute, is a document of much interest, not only to the legal profession, but also to the public at large. The First Report was comparatively technical, dealing with matters of practice and pleading in the law; but this Report comprehends an examination into trial by jury, the law of evidence, the proceedings after trial, and other subjects of a kindred character. And first, with regard to trial by jury, after stating succinctly and forcibly the arguments which may be, and generally are, advanced pro and con in respect of this tribunal, the learned Commissioners arrive at the following conclusions—that while there are cases in which a jury may be advantageously dispensed with, yet it is an institution which, upon the whole, works well, and enjoys the confidence of the public; that therefore they do not feel warranted, except in cases of mere account, to recommend its being superseded, unless the parties themselves prefer that the case should be tried before a judge. In cases involving merely matter of account they propose a reference to an officer of the court, or in county causes to the judge of the county court, or, if the parties prefer it, to an arbitrator appointed by themselves, upon whose award judgment may be entered as upon a verdict. They very properly append an observation to the effect, that whatever plan may be adopted as to references, it ought to include provisions for securing, as far as practicable, a continuous process

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to the end of the arbitration, and an abolition of those frequent adjournments which are at present the bane of that mode of proceeding.

The Commissioners do not fail to perceive, that in many instances the jury are so constituted as not to insure such an average amount of intelligence as may be desired; and accordingly they recommend that the standard of qualification of jurymen in the country, which at present is as low as a rating on a value of 20*l.*, should be raised; and further, that on every trial there should be an admixture of jurymen of the class from which the special juries are now taken.

The present rule requiring the jury to be unanimous in their decision is to be maintained, but such unanimity should be, not merely apparent, but real and voluntary; therefore the practice as to shutting them up, without food, fire, or light, is to be abandoned, and during their deliberations they are to be furnished with every fitting accommodation, and with necessary refreshment. The period during which a jury should be kept in deliberation should not exceed twelve hours, at the expiration whereof, unless they desire further time, they should be discharged; in which case either of the litigant parties should be at liberty to summon a fresh jury, and to try the question again. It is also most properly suggested, that cases in which complicated questions arise should not be summed up late in the day, whereby the deliberations of jurors are often prolonged to an hour of the night when the powers are worn out, and the danger of a submission against conscience and conviction becomes the greater.

It is felt that great injustice is often caused by preventing the party who has adduced evidence from replying to the observations and the attacks which are made upon such evidence; and the Commissioners recommend that the party who begins should always have an opportunity of replying at the close of the case, and that the other party should be allowed to address the jury, first, on opening his case, and secondly, at the close of his evidence. We think this will be a great advantage; it will lead to the production of all the evidence in a case, which is now frequently kept back from the fear of a reply; it will also tend to the removal of unfounded imputations upon character; and though, as suggested by the Commissioners, it will undoubtedly increase the length of the trial, yet that is not an evil which is to be regarded in comparison with the evils which will be thus abolished.

A discretionary power is to be exercised by the presiding judge as to the adjournment of the trial, (subject to conditions), so as to prevent surprise or a miscarriage of justice.

The important subject of evidence is next commented upon, and it is truly said that recent improvements, introduced in modern times into this branch of the law, have left comparatively little to suggest in the way of amendment. With regard to the admissibility of husband and wife a recommendation is made, which already forms the subject of a bill in the House of Lords, viz. that husband and wife should be competent and compellable to give evidence for and against one another on matters of fact, as to which either could now be examined as a party in the cause\*, but that all communications between them should be held to be privileged.

We shall pursue this subject in another article, so as to place before our readers the important results at which the Commissioners have arrived, referring them to the Report itself for statements of the existing law upon the subjects treated of, and for the arguments which have weighed with the Commissioners in arriving at such results.

### Rebuts.

*Shall we Register our Deeds? A Letter to the Right Hon. Lord Lyndhurst, &c. &c. By H. BELLENDEN KER, Esq. Sec. Pp. 24. [Stevens & Norton.]*

THIS is a complete and satisfactory answer, by an eminent member of the present Registration and Conveyancing Commission, to the late Lord Chancellor's pamphlet bearing the same title. It is peculiarly valuable, because it refutes the objections of Lord St. Leonards (which include all the objections that have ever been urged against a general registry) in a very brief compass, and at the same time in remarkably simple and perspicuous language. We have already said so much on this subject, and agree so entirely with Mr. Ker's sentiments on this important question, that we shall present the following extracts without any comment:—

\* Husband and wife are already witnesses for and against each other, under the late statute, when they are jointly parties as plaintiffs or defendants.

"Lord St. Leonards had but few followers, either in his early or in his recent opposition. Mr. Coote, a conveyancer of eminence, was the only one who expressed opposition in print. In favour of this question may be ranged all the members of the Real Property Commission, the late Mr. Bell, and Mr. Butler, all the members of the Registration Commission, all the present law Lords, (except Lord St. Leonards), and the late Lord Cottenham, Sir William Page Wood, the present Master of the Rolls, &c." (P. 6).

"There is nothing in the present bill which will prevent the adoption of maps hereafter, if found advisable; and for at least the first five or six years after the establishment of the registry even the nominal index will not be found seriously inconvenient. I do not here go into the objections to the adoption of maps: on a reference to the views of the commissioners it will be found that there was no necessity for any great precision in the maps; the validity of the conveyance was not to be essentially dependant on a due reference to the map, or even on its precise accuracy; it, in fact, was only to serve as a more perfect and actual index to what was the property to be affected, and the actual extent or nature of it might be established by other evidence. But I must here remark that it was suggested by Mr. Humphrey, that, to obviate much of the objection to Mr. Duval's nominal index, there should be indexes referring to several divisions or districts, much smaller than those proposed by Mr. Duval, and therefore making the search less onerous; and it must be borne in mind, that in no case could this search be very extended, except in a case where there was a long lapse of time before the title came on the registry. This omission of a reference to maps is no objection of principle, but merely one of detail. Now, as regards secrecy, required by Lord St. Leonards, the present system is 'reasonably secret;' no one can search the register respecting my title unless I give him a clue to the account under which my title is registered. I say nothing about the justice of thus requiring secrecy; I do not think it necessary or just, and this was the opinion of the Registration Commissioners." (P. 11).

"It was, I always thought, one of the defects in Mr. Duval's bill, that it entered far too minutely into details, which were to become binding even before their usefulness had been tested by practice. Lord St. Leonards finds fault with the present bill as giving too much latitude to the registrar and the chancellor and judges, who can make orders, rules, and regulations, as the exigencies of the case require. But are these more extensive than the privileges, almost unlimited, which are vested in the judges of the Courts of Common Law and Chancery, to make rules and regulations; and have not these latter been found beneficial, and in nowise trenching on the liberty of the subject or the rights of property? I take the following as an instance of the value of leaving a general power in the registrar to make rules. It has been shewn, that in order to prove that there is nothing on the registry affecting the title to an estate sold prior to the first deed appearing in the registry with which the seller begins his title, it is necessary to search the index of names. Now, if the registrar, on a new account being opened, were himself bound to search the index of names, and to ascertain and certify that there was nothing prior existing in the registry affecting the estate in question, in that case all search anterior to the first entry would be avoided. I can conceive various rules and regulations whereby the facilities of search may in like manner be much increased. Assuming that the preliminary search as to whether there was anything in the registry before the first registered deed appearing or the abstract delivered were done



'away with, all the search necessary would be a search under the accounts A. and B., and if no deeds appeared except those shewn by the purchaser in the abstract delivered, (and this would be the case in 999 cases out of 1000), nothing further need be done as regards the search of the register. If, however, it appeared that the seller had made a mistake, or had attempted a fraud, and there should appear on the account any other instrument than what had been shewn to him, here, then, is the value of the registry; without it the purchaser could never have known of the suppressed or forgotten deed, whilst with it he has the power of seeing the deed itself, and proving how far it is material to his title." (P. 12).

After referring to, and adopting, our estimate of the probable cost of registration in small transactions, (ante, p. 151), Mr. Ker proceeds—

"In the provisions in the bill will be found, I think, an answer to the petitions from building and other societies formed for the purchase of land. It is also probable that in small transactions the parties will be content to deposit the originals in the registry, and rely on a copy, coupled with the certificate of search. But it may be asked of those parties opposed to a general registry, and especially those interested in small transactions—Is it supposed that the reform of real property law is to stop with the establishment of a registry? Did not both the commissions consider that the establishment of a registry was the key-stone of law reform? Will not the establishment of a registry lead to some short mode, by reference to the registry, of conveying property, the title to which is to be found on the registry, either by certificate, by deed, or otherwise? Is it possible to consider any plans for those purposes effectually without having a public registry, as the basis of every safe and complete mode of conveyance? Therefore, if this measure, which has twice passed the House of Lords, is now rejected, I shall consider that all effectual real property law reform is indefinitely postponed. I shall believe the late Sir Robert Peel was right, when, drawing a picture of the future House of Commons under the Reform Bill, and suggesting that it would be too much under the influence of popular prejudices to enter into the consideration of great and well-considered measures of change, against which there might exist some under-current of interest or bigotry, he asked, 'Will your reformed House of Commons pass a Registry Bill?' (P. 18).

"I do not mean to contend that a deed will be registered without payment, or that the register on a purchase will be searched without cost, but I contend that a purchaser in both cases will be a gainer by what he pays for; the party taking a conveyance will for a small sum have registered a duplicate or an attested copy of his deed for safe custody; this will, on a future sale of a part, &c., save him the cost of attested copies, of covenants to produce deeds, &c.; he will be insured against any loss from the destruction of his own deeds, by thus having at the registry either a duplicate original or an attested copy; and this will lead much to the shortening of conveyances, for it will no longer be an object to recite deeds at length, which are always forthcoming at the registry." (P. 15).

"Lord St. Leonards estimates, that owing to the additional cost which will be imposed by registration, the extra charges of solicitors, &c., this measure will add a tax of a million a year on the land. I contend that the saving from improvement and facility as to the evidence of title, the shortening of deeds, the rendering attested copies and covenants to produce deeds, &c., unnecessary, it is probable no tax at all will be

imposed; and here I do not stop to reckon the gain to arise from future improvements and simplifications of the law, of which registry must be the basis." (P. 21).

"As regards the objections that the registry will diminish the facility of raising money on deposit of title deeds, it will be seen that this bill provides facilities as to making such deposits which do not now exist; and it is notorious that neither the Yorkshire nor the Middlesex registry in anywise hinders deposit of deeds, though it is very rarely the case that bankers do even now register the memorandums of deposit. But here at least I may bring a greater authority, as regards experience and knowledge, than Lord St. Leonards himself. It is sufficient to refer to the able speech of Lord Overstone on the third reading of the bill; and he stated, from his great experience in such matters, that bankers, far from being averse to this measure, would consider it as a boon and protection, and would in fact throw no difficulties in the way of fair and reasonable dealing with land. No one should come to a conclusion on this point without well studying the observations contained in this speech." (P. 22).

Mr. Ker states that the present pamphlet forms a part of some more general observations on the present state of the law of real property, with proposals for its amendment, which he has prepared at the suggestion of Lord Lyndhurst, and hopes shortly to publish. We shall expect that publication, and also the second report of the commissioners, with some impatience.

#### COURT OF QUEEN'S BENCH.

TRINITY TERM.—16 VICTORIA.—June 13, 1853.

This Court will hold a sitting on Saturday, the 25th day of June instant, at half-past ten o'clock in the morning, for the purpose of giving judgment in cases which have been argued. BY THE COURT.

#### COURT OF EXCHEQUER.

TRINITY TERM.—16 VICTORIA.—June 8, 1853.

This Court will hold a sitting on Wednesday, the 6th day of July next, and will at such sitting give judgment in all cases then standing for judgment.

FREDERICK POLLOCK.  
E. H. ALDERSON.  
T. J. PLATT.  
SAMUEL MARTIN.

This Court will, at the sitting already appointed for the 6th July next, proceed with the case of *Moslyn v. Griffiths and Another*, and that of *Harries v. Perry and Another*, standing in the Special and New Trial Papers respectively.

Dated this 13th day of June, 1853.

FREDERICK POLLOCK.  
E. H. ALDERSON.  
T. J. PLATT.

## CIRCUITS OF THE JUDGES.

(Mr. Justice WILLIAMS will remain in Town).

SUMMER CIRCUITS, 1853.	N. WALES.	S. WALES.	NORFOLK.	HOMER.	MIDLAND.	OXFORD.	NORTHERN.	WESTERN.
	Ld. Campbell	B. Platt	L.C. J. Jervis B. Parke	L.C.B. Pollock J. Cresswell	B. Alderson J. Maule	J. Coleridge J. Crompton	J. Wightman J. Erle	J. Talfourd B. Martin
Wednes., July 6	.....	.....	.....	Hertford	.....	.....	.....	.....
Thursday ... 7	.....	.....	.....	.....	.....	Abingdon	.....	.....
Friday..... 8	.....	.....	.....	.....	Oakham	.....	.....	.....
Saturday ... 9	.....	.....	.....	.....	Northampton	Oxford	York & City	Winchester
Monday .... 11	.....	.....	Aylesbury	Chelmsford	.....	.....	.....	.....
Wednesday.. 13	.....	Cardiff	Bedford	.....	Lincoln &	Worcester &	.....	.....
Friday..... 15	.....	.....	Huntingdon	.....	[City]	[City]	.....	Dorchester
Saturday ... 16	Newtown	.....	Cambridge	Lewes	Nottingham	Stafford	.....	.....
Tuesday .... 19	.....	Carmarthen	.....	.....	[& Town]	.....	.....	Exeter & City
Wednesday.. 20	Dolgelly	.....	Norwich and	.....	Derby	.....	.....	.....
Thursday ... 21	.....	.....	[City]	Maidstone	.....	.....	.....	.....
Saturday ... 23	.....	Haverford-	.....	.....	Leicest. & B.	Shrewsbury	Durham	.....
Monday .... 25	Carnarvon	[west & Tn.	Ipswich	.....	.....	.....	.....	Bodmin
Wednesday.. 27	Beaumaris	Cardigan	.....	.....	Coventry	Hereford	.....	.....
Thursday ... 28	.....	.....	.....	Croydon	Warwick	.....	Newcastle &	.....
Friday..... 29	.....	.....	.....	.....	.....	Monmouth	[Town]	Bridgewater
Saturday ... 30	Ruthin	Brecon	.....	.....	.....	.....	.....	.....
Monday, Aug. 1	.....	.....	.....	.....	.....	.....	Carlisle	.....
Tuesday .... 2	.....	.....	.....	.....	.....	Gloucester &	.....	.....
Wednesday.. 3	Mold	.....	.....	.....	.....	[City]	.....	.....
Thursday ... 4	.....	Presteign	.....	.....	.....	.....	Appleby	Devises
Saturday.... 6	Chester and	Chester and	.....	.....	.....	.....	Lancaster	Bristol
Wednesday.. 10	[City]	[City]	.....	.....	.....	.....	Liverpool	.....

## London Gazettes.

FRIDAY, JUNE 10.

## BANKRUPTS.

ROBERT WINTER, Brighton, Sussex, schoolmaster, livery-stable keeper, dealer and chapman, June 21 and July 21 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Kennett, Brighton; Sowton, Great James-street, Bedford-row.—Petition filed June 1.

THOMAS LETT, late of Wellington-street, Upper-street, Islington, and now of College-place, Camden-town, Middlesex, builder and contractor, dealer and chapman, June 22 and July 11 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Rushbury, 2, Surrey-street, Strand.—Petition filed June 6.

SAMUEL MASSEY, Stourbridge, Worcestershire, clothier and tailor, June 21 and July 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Saunders & Son, Kidderminster; Motteram & Knight, Birmingham.—Petition dated May 31.

JOHN JAGGER, Tunnaciffe Hill, Almondbury, Yorkshire, woollen cloth merchant, cowkeeper and farmer, dealer and chapman, June 20 at half-past 1, and July 11 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & W. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated May 23.

CHARLES CLAYE, Howarth Cross Mill, near Rochdale, Lancashire, press dyer, dealer and chapman, (trading with Alexander Jack, under the style or firm of Alexander Jack & Co.), June 21 and July 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Whitehead & Sons, Rochdale, Lancashire.—Petition filed May 26.

## MEETINGS.

Henry Armstrong, Norwich, linendraper, June 30 at half-past 11, Court of Bankruptcy, London, last ex.—R. Willmott, Peterborough, Northamptonshire, tailor, June 21 at 2, Court of Bankruptcy, London, last ex. and aud. ac.—W. S. Oake, Longfleet, Poole, painter, June 21 at half-past 1, Court of Bankruptcy, London, last ex.—J. Wells, Bold-place, Marlborough-road, Queen's-road, Dalston, Middlesex, builder, June 21 at half-past 12, Court of Bankruptcy, London, last ex.—Henry Prior and Henry Atkinson, Wood-st., London, Manchester warehousemen, June 24 at 1, Court of Bankruptcy, London, last ex.—John Turner, Uckfield, Sussex, grocer, July 1 at 12, Court of Bankruptcy, London, last ex.

—W. Reading, Charles-street West, Paddington, Middlesex, builder, June 21 at 1, Court of Bankruptcy, London, last ex.—Wm. M'George, St. John-street-road, Middlesex, draper, June 22 at 12, Court of Bankruptcy, London, aud. ac.—John Gloge, Portsmouth, Southampton, tailor, June 23 at 12, Court of Bankruptcy, London, aud. ac.; July 1 at 2, div.—F. A. Butt, Henry-street, Pentonville, Middlesex, grocer, June 23 at half-past 11, Court of Bankruptcy, London, aud. ac.—George Garnham, Rougham, Suffolk, farmer, June 23 at 12, Court of Bankruptcy, London, aud. ac.; July 1 at 2, div.—Joaquin Ruez de Alsedo, Bank-buildings, London, merchant, June 24 at half-past 11, Court of Bankruptcy, London, aud. ac.; July 1 at half-past 1, fin. div.—Edmund Plummer, Diss, Norfolk, butcher, June 23 at 11, Court of Bankruptcy, London, aud. ac.—Thos. B. Miller and Wm. Miller, Henstridge-villas, St. John's-wood, Middlesex, builders, June 23 at 11, Court of Bankruptcy, London, aud. ac.—John Cogle, Limington, Somersetshire, miller, June 21 at 11, District Court of Bankruptcy, Exeter, aud. ac.; July 7 at 1, div.—R. H. Bell and E. Bell, South Shields, Durham, paper manufacturers, July 4 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Anthony Harrison, Friars Goose Alkali Works, near Gateshead, Durham, alkali manufacturer, July 4 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 6 at 1, fin. div.—John Gouldsbrough, Manchester, manufacturer, June 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Thomas Carter, Preston, Lancashire, corn merchant, June 24 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Charles Lucas, Richard Wilkinson, and Edward Bond, Manchester, and Hayfield, Derbyshire, calico printers, June 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.—John Gorman Harrison, Liverpool, dealer in locks, June 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—James T. Bourne, Dilhorne, Staffordshire, earthenware dealer, June 20 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—Joseph Armitage, James Armitage, Wm. H. Armitage, and Charles Armitage, Marsden, Almondbury, Yorkshire, woollen cloth manufacturers, June 28 at 11, District Court of Bankruptcy, Leeds, aud. ac.—James Ramsden, Hhifax, Yorkshire, woollendraper, June 28 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.—Robt. Campion and John Campion, Whitby, Yorkshire, bankers, June 21 at 1, District Court of Bankruptcy, Leeds, aud. ac.—Richard Gill, Richmond, Yorkshire, grocer, June 28 at 12, District Court of Bankruptcy, Leeds, aud. ac.—Samuel Crosland, Elland, Yorkshire, corn miller, June 30 at 11, District Court of Bankruptcy, Leeds, aud. ac.—Jens Walker, Halifax, Yorkshire, linendraper, June 23 at 11, Dis-

1st Court of Bankruptcy, Leeds, aud. ac.—*Thomas Hillman*, Forthing, Sussex, wine merchant, July 1 at 2, Court of Bankruptcy, London, div.—*Wm. Buckle*, Pall-mall, Westminster, Middlesex, and Leadenhall-street, London, master mariner, July 4 at 11, Court of Bankruptcy, London, div.—*Thomas over*, Dartford, Kent, watchmaker, July 4 at 11, Court of Bankruptcy, London, div.—*Edward Pepper*, Threadneedle-street, London, licensed victualler, July 1 at 2, Court of Bankruptcy, London, div.—*John Whitfield* and *Geo. James Whitfield*, Lamb's Conduit-street, Middlesex, cheesemongers, July 1 at half-past 12, Court of Bankruptcy, London, div. int. est.; at 1, fin. div. sep. est. of *John Whitfield*.—*Robt. Gower the younger*, *Robert Edward Alison*, and *Wm. L. Chamberlege*, New Broad-street, London, and Valparaiso, in the Republic of Chili, merchants, June 22 at 12, Court of Bankruptcy, London, div.—*Edmund F. Green*, Leadenhall-street, London, merchant, July 1 at 2, Court of Bankruptcy, London, div.—*Benj. Bonner*, Gloucester, money scrivener, July 8 at 11, District Court of Bankruptcy, Bristol, fin. div.—*E. H. Waller* and *Wm. Waters*, Chepstow, Monmouthshire, timber merchants, June 30 at 11, District Court of Bankruptcy, Bristol, fin. div.—*James Thos. Woodhouse*, Leominster, Herefordshire, scrivener, July 2 at 1, District Court of Bankruptcy, Birmingham, div.—*James Ness*, Newcastle-upon-Tyne, grocer, July 4 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.—*John Urwin*, Newcastle-upon-Tyne, licensed victualler, July 4 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.—*Charles Bertram* and *William Parkinson*, Newcastle-upon-Tyne, merchants, July 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*John Hall*, Newcastle-upon-Tyne, corn factor, July 6 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Henry Clarke*, Sheffield, Yorkshire, builder, July 2 at 11, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Isaac Unwin*, Poland-st., Oxford-st., Middlesex, builder, July 7 at 2, Court of Bankruptcy, London.—*Wm. Friday*, Rochester, Kent, miller, July 1 at half-past 1, Court of Bankruptcy, London.—*Jos. Symes*, Queen's-buildings, Knightsbridge, Middlesex, cheesemonger, July 7 at 1, Court of Bankruptcy, London.—*W. Minchener*, Cheapside, London, warehouseman, July 7 at 12, Court of Bankruptcy, London.—*W. Skobert*, Great Marlborough-st., and St. John's-wood-terrace, St. John's-wood, Middlesex, publisher, July 4 at 1, Court of Bankruptcy, London.—*William Hodges Gough*, Barton-street, near Gloucester, builder, July 5 at 11, District Court of Bankruptcy, Bristol.—*William Woodyatt*, Wotton, near Northwich, Cheshire, joiner, July 4 at 11, District Court of Bankruptcy, Liverpool.

To be granted, unless an Appeal be duly entered.

*Robert H. Murray*, Alfred-place, Camden-road, Islington, Middlesex, baker.—*Andrew Clark*, Bear-gardens, Southwark, Surrey, plumber.—*John Locker*, Clerkenwell-green, and St. John's-square, Middlesex, metal warehouseman.—*Nicholas Crook*, Preston, Lancashire, tailor.

## FIAT ANNULLED.

*Elias Lindo*, Matson's-cottages, Kingland, Middlesex, coal merchant.

## PARTNERSHIP DISSOLVED.

*James Mellor* and *James W. Mellor*, Ashton-under-Lyne, Lancashire, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Patrick Dall Ritchie*, Dundee, merchant.—*James Brown*, Prestonpans, Haddington, baker.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Stephen Thornton*, Keighley, Yorkshire, slater, June 22 at 11, County Court of Yorkshire, at Keighley.—*Thos. Lipson Poweroy*, Brighton, Sussex, clerk in the Ordnance Office, June 18 at 10, County Court of Sussex, at Brighton.—*Cecilia Wise*, Brighton, Sussex, dressmaker, June 18 at 10, County Court of Sussex, at Brighton.—*Chas. Webber*, Bristol, cabinet

maker, June 15 at 11, County Court of Gloucestershire, at Bristol.—*Solomon Portman*, Netherton, Dudley, Worcestershire, out of business, June 28 at 9, County Court of Worcestershire, at Dudley.—*Alfred John William Wentworth*, Blackshore, Southwold, Suffolk, coal worker, June 23 at 12, County Court of Suffolk, at Halesworth.—*Henry Crisp*, Wrentham, Suffolk, flour seller, June 23 at 12, County Court of Suffolk, at Halesworth.—*Geo. Chaplin Wayling*, Bury St. Edmund's, Suffolk, surgeon, June 27 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Richard Parry*, Llandisillo, Montgomeryshire, publican, June 18 at 10, County Court of Montgomeryshire, at Llanfyllin.—*Jos. Jeffs*, Gloucester, hair dresser, June 27 at 10, County Court of Gloucestershire, at Gloucester.—*Samuel Bunn*, West Bromwich, Staffordshire, out of business, June 22 at 9, County Court of Staffordshire, at Oldbury.—*Jas. Willmott*, Exmouth, Devonshire, grocer, June 25 at 10, County Court of Devonshire, at Exeter.—*Edw. Kirkham Hollingshead*, Leighton, Neston, Cheshire, postmaster, June 24 at 10, County Court of Cheshire, at Birkenhead.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

June 24 at 11, before the CHIEF COMMISSIONER.

*Jas. Long*, White-street, Bethnal-green, Middlesex, baker.

June 24 at 10, before Mr. Commissioner LAW.

*Henry Mills*, Panton-st., Haymarket, Middlesex, barman.

June 25 at 11, before Mr. Commissioner PHILLIPS.

*William Edwards*, Edgeware-road, Middlesex, baker.—*Charles Fox Stewart*, Lower Marsh, Lambeth, Surrey, fishmonger.—*J. Pain*, Temple-place, New-cross, Surrey, fruiterer.—*Wm. Tuck*, Robert-street, Brixton-road, Lambeth, Surrey, butcher.

June 27 at 10, before Mr. Commissioner LAW.

*John Crispe*, Compton-street, Brunswick-square, Middlesex, out of business.—*Thos. Bullen Gill*, Gerard-street, Islington, Middlesex, out of business.

June 27 at 11, before Mr. Commissioner PHILLIPS.

*James Mayle*, Holywell-lane, Shoreditch, Middlesex, out of business.

The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

June 24 at 11, before the CHIEF COMMISSIONER.

*James Powell Allen*, Tooley-street, Southwark, Surrey, master mariner.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Norfolk, at NORWICH, June 28 at 10.

*Stephen R. Perkins*, Great Yarmouth, sailmaker.—*Stephen L. Goodwin*, Norwich, out of business.—*Stephen Edward M. Wells*, Norwich, out of business.—*James Armstrong*, Lynn, linendraper.—*George Garrett*, Great Yarmouth, physician.—*George A. Holland*, Great Yarmouth, baker.—*John George*, Ormesby St. Margaret, carpenter.

At the County Court of Gloucestershire, at BRISTOL, June 29 at 11.

*Joseph Bailey*, Bristol, barge owner.

At the County Court of Kent, at DOVER, July 6 at 10.

*Richard Osley*, Hythe, out of employment.

At the County Court of Northumberland, at MORPETH, July 15 at 10.

*Thos. Dison*, Whemley-burn, Loughorale, husbandman.

[From the Dublin Gazette of June 3, 1853.]

# COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoner is ordered to be brought up before the Assistant Barrister for the East Riding of the County of Cork, at the Court-house of Kinsale, June 20 at 10, to be examined and dealt with according to the Statutes.*

*John Walton, Mahareen, Macroom, Cork, gentleman.*

TUESDAY, JUNE 14.

## BANKRUPTS.

**HENRY ASHDOWN**, Welling, East Wickham, Kent, wheelwright, blacksmith, and carpenter, dealer and chapman, June 23 at 11, and July 26 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Messrs. Stedman, 2, Guildhall-chambers, Basinghall-street, London.—Petition filed Feb. 24.

**JOHN STRUTT**, Catherine-street and Buckingham-street, Strand, Middlesex, newspaper proprietor, printer, and publisher, dealer and chapman, June 28 at half-past 1, and July 26 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. A. Beckett & Sympson, Golden-square; Messrs. Linklater, 17, Sine-lane, Bucklersbury, London.—Petition filed June 3.

**EDWARD BROCK**, Sackville-street, Piccadilly, Middlesex, tailor, dealer and chapman, (now a prisoner for debt in the Queen's Prison, Surrey), June 23 at 2, and July 28 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Sherwood, 10, Walbrook.—Petition filed June 6.

**JOHN CROW TWYMAN**, Ramsgate, Kent, upholsterer and general dealer, June 25 and July 29 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Paine, 5, Gresham-street, City.—Petition filed June 9.

**EDWARD GREEN**, Cork-street, St. James's, Westminster, Middlesex, tailor, June 25 at 11, and July 29 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Messrs. Allen, 17, Carlisle-street, Soho.—Petition dated June 10.

**WILLIAM ELGOOD**, Leicester, Leicestershire, merchant, hosier, oil refiner, and general agent, June 24 and July 22 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Gregory, Leicester; Hodgson, Birmingham.—Petition dated June 3.

**WILLIAM CARTER**, Malmesbury, Wiltshire, tailor and draper, June 28 and July 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Abbot & Lucas, Bristol.—Petition filed June 1.

**WILLIAM MARSHALL**, South Shields, Durham, ship-owner, banker, dealer and chapman, June 20 at 12, and July 27 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Thomas & Chater, Newcastle-upon-Tyne; Murray, London-street, Fenchurch-street, London.—Petition filed June 4.

## MEETINGS.

*Thos. M. Taylor*, Newcastle-upon-Tyne, merchant, July 26 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—*Thomas Hillman*, Worthing, Sussex, wine merchant, June 24 at half-past 11, Court of Bankruptcy, London, last ex. and aud. ac.—*A. Paine* and *G. F. Davies*, High-street, Southwark, Surrey, woollendrapers, June 25 at 12, Court of Bankruptcy, London, last ex. of *A. Paine*.—*S. Norcliffe*, Brydges-street, Covent-garden, Middlesex, licensed victualler, July 7 at 12, Court of Bankruptcy, London, last ex.—*Edward Whalley*, Kingsgate-street, High Holborn, Middlesex, clothworker, June 24 at 11, Court of Bankruptcy, London, last ex.—*Geo. Barber*, Bishopsgate-street Without, London, grocer, June 29 at 1, Court of Bankruptcy, London, aud. ac.—*Henry Simmonds*, Ore, Sussex, brickmaker, June 27 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Robert Baxter*, Wisbech St. Peter, Cambridge, currier, June 28 at 1, Court of Bankruptcy, London, aud. ac.—*Robert Chisery*, Withersfield, Suffolk, brewer, June 28 at 2, Court of Bankruptcy, London, aud. ac.—*William Stoikert*, *George Wood*, *John White Little*, *John Cottle Spender*, *William Brunton*, *Joseph Rusher*, and *William Henry Buckland*, Abchurch-lane, London, and *Maesteg*, Glamorganshire, iron manufacturers, June 28 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*George Smith*, Manchester, hatter, June 30 at 12, District Court of Bankruptcy, Manchester, aud. ac.;

July 7 at 12, div.—*James Hawarden*, *Robert Myeracough*, and *John Jackson*, Little Bolton and Manchester, Lancashire, commission agents, July 1 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 8 at 12, div.—*Richard Battersby* and *James Telford*, Liverpool, ironfounders, June 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of *R. Battersby*; July 7 at 11, div.—*Thos. Barlow*, Sheffield, Yorkshire, grocer, July 2 at 10, District Court of Bankruptcy, Leeds, aud. ac.—*Henry Clarke*, Sheffield, Yorkshire, builder, July 2 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*Edward Butler*, Carrington, Basford, Nottinghamshire, iron merchant, July 2 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*Wm. Farrow*, Kingston-upon-Hull, coal merchant, June 29 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; July 6 at 12, second and fin. div.—*John Teasdale* and *George A. Swales*, Sheffield, Yorkshire, timber merchants, July 2 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*Wm. Tucker* the younger, Kingston-upon-Hull, coal merchant, June 29 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; July 6 at 12, div.—*Wm. Hutchinson*, Sutton-upon-Trent, Nottinghamshire, seed crusher, July 8 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and first and fin. div.—*Robert James*, Lenton, Nottinghamshire, lace maker, July 8 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and first and fin. div.—*Stephen Dudgeon*, Litchurch, Derbyshire, builder, July 8 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and first and fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Barber*, Bishopsgate-st. Without, London, grocer, July 6 at half-past 12, Court of Bankruptcy, London.—*Joseph Boys*, High-street, Peckham, Surrey, linendraper, July 6 at 12, Court of Bankruptcy, London.—*John Broome*, Birmingham, licensed victualler, July 5 at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*William Price*, Bucklersbury, Cheapside, London, eating-house keeper.—*Joseph Dunhorn*, Broadwall, Christchurch, Blackfriars-road, Surrey, corn dealer.

## SCOTCH SEQUESTRATIONS.

*Margaret and Elizabeth Davidson*, Edinburgh, lodging-house keepers.—*James Adair*, Glasgow, toll contractor.—*J. Murray*, Edinburgh, lecturer on chemistry.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Richard Corbett*, Bilston, Staffordshire, in no business, June 27 at 9, County Court of Staffordshire, at Wolverhampton.—*Henry Radnall*, Bilston, Staffordshire, provision dealer's assistant, June 27 at 9, County Court of Staffordshire, at Wolverhampton.—*George Stanney*, Brinnington, Cheshire, shopkeeper, June 24 at 11, County Court of Cheshire, at Stockport.—*Robert Huggins*, Palgrave, Suffolk, blacksmith, July 1 at 11, County Court of Suffolk, at Eye.—*H. Preti*, Cambridge, out of business, June 28 at 10, County Court of Cambridgeshire, at Cambridge.—*Thomas H. Case*, Cambridge, carpenter, June 28 at 10, County Court of Cambridgeshire, at Cambridge.—*John Shareman*, Cambridge, publican, June 28 at 10, County Court of Cambridgeshire, at Cambridge.—*Mary Beam*, spinster, Liverpool, lodging-house keeper, June 20 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 29 at 11, before the CHIEF COMMISSIONER.*

*Samuel Sartin*, Norton-st., Portland-place, Marylebone, Middlesex, out of business.—*Henry Chas. Hills*, Ossington-street, Somers-town, Middlesex, cab driver.

*June 29 at 10, before Mr. Commissioner LAW.*

*Thomas Walter Best*, High-st., Camden-town, Middlesex, out of business.

Saturday, June 11.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*William M'Taggart*, Bradford, Yorkshire, grocer, No. 6,595 C.; *Thos. Ellison and Wm. Bracewall*, assignees.—*Mr. Barnes Canning*, Chelmsford, Essex, attorney's clerk, No. 76,057 C.; *Charles Davis*, assignee.—*John Davison*, innkeeper, near Leeds, Yorkshire, caravan builder, No. 76,484 C.; *Jos. Jowett*, assignee.—*Horace Whayman*, Sudbourne, near Woodbridge, Suffolk, farmer's assistant, No. 76,474 C.; *Jos. Watkins and Wm. Field*, assignees.—*Jas. Smith Yates*, Leeds, Yorkshire, grocer, No. 75,063 C.; *Jos. Oughtibridge*, assignee.

Saturday, June 11.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Henry Malpas*, Alfred-st., River-terrace, City-road, Middlesex, surveyor's clerk: in the Debtors Prison for London and Middlesex.—*Bezer Blundell*, York-road, Lambeth, Surrey, attorney-at-law: in the Queen's Prison.—*S. Hodges*, Cecil-court, St. Martin's-lane, Middlesex, military accountant maker: in the Debtors Prison for London and Middlesex.—*David Bascos*, Pancras-lane, City, London, general dealer: in the Debtors Prison for London and Middlesex.—*Samuel Barber*, Halsey-street, Chelsea, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Edward Bland Carter*, Lower Tottenham, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Armstrong Pether*, Albion-st., Bow-road, Middlesex, engraver on wood: in the Debtors Prison for London and Middlesex.—*Michael Dean*, Tottil-street, Westminster, Middlesex, marine store dealer: in the Debtors Prison for London and Middlesex.—*John Smith*, Church-lane, Battersea, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*John A. Louden*, Commercial-road, Lambeth, Surrey, clerk: in the Queen's Prison.—*John Bendle*, Acton-st., Gray's-inn-road, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Robert Watts Freestone*, Tooley-st., Southwark, Surrey, eating-house keeper: in the Debtors Prison for London and Middlesex.—*David Magrath*, Green-street, Stepney, Middlesex, colour manufacturer: in the Debtors Prison for London and Middlesex.—*George Augustus Craven*, Clephane-road, Ball's-pond, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Henry David King*, Ely-place, Ball's-pond, Middlesex, corn chandler: in the Debtors Prison for London and Middlesex.—*Joseph Isaacs*, Lamb-st., Spitalfields, Middlesex, fruit dealer: in the Debtors Prison for London and Middlesex.—*Geo. Wombwell*, Finchley, Middlesex, cattle dealer: in the Debtors Prison for London and Middlesex.—*Henry Wheeler*, Wells-st., Cripplegate, City, London, inspector in the Hand-in-Hand Insurance Society: in the Debtors Prison for London and Middlesex.—*Pierre Matheson*, Metropolitan-buildings, Mile-end New-town, Middlesex, in no business: in the Debtors Prison for London and Middlesex.—*Thomas Howard*, Thenley Hill, Hertfordshire, plumber: in the Gaol of Hertford.—*James Frost*, Watford, Northamptonshire, butcher: in the Gaol of Northampton.—*Stephen Lushington Goodwin*, Norwich, out of business: in the Gaol of Norwich.—*George Alexander Holland*, Great Yarmouth, Norfolk, baker: in the Gaol of Norwich.—*Robert Grouard*, Whittlesey, Isle of Ely, Cambridgeshire, surveyor: in the Gaol of Cambridge.—*George Southern*, Haswell, Durham, draper: in the Gaol of Durham.—*Alfred Ann Canning*, Buxton, Derbyshire, out of business: in the Gaol of Derby.—*Wm. Airey*, Rochdale, Lancashire, plasterer: in the Gaol of Lancaster.—*W. Cleary*, Liverpool, oyster dealer: in the Gaol of Lancaster.—*Wm. Deaville*, Manchester, out of business: in the Gaol of Lancaster.—*Joseph K. Greenhalgh*, Manchester, out of business: in the Gaol of Lancaster.—*T. Roughton*, Little Bolton, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*James H. Bowen*, Ipswich, Suffolk, out of business: in the Gaol of Ipswich.—*John Johnson*, South Shields, Durham, common brewer: in the Gaol of Durham.—*Thomas Owen*, Llanidloes, Montgomeryshire, innkeeper: in the Gaol of Montgomery.—*H. Butler* the elder, Leamington Priors, Warwickshire, butcher: in the Gaol of Warwick.—*F. T. Smith*, London-wall, London, stationer: in

the Gaol of York.—*John Trotman*, Bristol, corn merchant's clerk: in the Gaol of Bristol.—*John Wolstencroft*, Middleton, near Manchester, grocer: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

June 28 at 11, before the CHIEF COMMISSIONER.

*George Robowham*, Church-street, High-street, Southwark, Surrey, assistant to a grocer.—*Henry Winter*, College-place, Camden-town, Middlesex, in no business.

June 29 at 10, before Mr. Commissioner LAW.

*Daniel Wilson*, Great St. Helen's, Bishopsgate-st. Within, London, out of business.

June 30 at 11, before Mr. Commissioner PHILLIPS.

*Henry Galley Eden*, Union-row, New Kent-road, Surrey, commission agent.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Cambridgeshire, at CAMBRIDGE, June 28 at 10.

*John D. Halsted*, Cambridge, surgeon.—*Robert Grouard*, Whittlesey, Isle of Ely, surveyor.—*J. C. Prime*, Thriplow, farmer.

At the County Court of Warwickshire, at WARWICK, July 1 at 10.

*Henry Butler* the elder, Leamington Priors, butcher.

At the County Court of Gloucestershire, at GLOUCESTER, July 2 at 9.

*Thomas Gardner* the elder, Fainwick, out of business.

At the County Court of Essex, at CHELMSFORD, July 7 at 12.

*John Hadfield*, Egremont, confectioner.

INSOLVENT DEBTORS' DIVIDENDS.

*Henry Shaw*, Brighton, Sussex, licensed victualler: 2s. 7½d. in the pound.—*Samuel Okey*, Goswell-street-road, Middlesex, retired Customs-house clerk: 1s. 5½d. (making 11s. 1½d.) in the pound.—*Chorley Earl*, Guildford, Surrey, hat manufacturer: 2s. 10d. (making 4s. 1½d.) in the pound.—*Thomas Martindale*, Bidborough-street, Burton-crescent, Middlesex, clerk in the Registration-office, Somerset House: 4s. 9d. (making 7s. 11d.) in the pound.—*E. H. Halse*, Clifton, Gloucestershire, surgeon: 6d. in the pound.—*John Day*, Bridge-house-place, Newington-causeway, Surrey, tailor: 8d. in the pound.—*Benjamin Jackson*, Woodbine Cottage, near Red Briars, Durham, draper: 8½d. in the pound.—*Robt. Jackson*, Claypath, Durham, linendraper: 8½d. in the pound.—*James Theobald Brown*, Northfleet, dealer in stout: 3½d. in the pound.—*James Boreham*, Mitcham-street, St. Marylebone, Middlesex, wheelwright: 20s. in the pound.—*E. A. Heneock*, Harlington-street, New North-road, Middlesex, clerk in the Money Order Department, General Post-office: 2s. 9½d. in the pound.—*Wm. H. F. Edwards*, Derwent Villas, Hammer-smith, Middlesex, teacher of drawing: 4s. 3d. (making 9s. 4½d.) in the pound.—*A. C. Buckland*, Coronation-place, Stoke Newington, Middlesex, pensioner in the East India Company's Service: 3s. in the pound.

Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.

*Theophilus Patterson*, June 16, at Nichols & Clark's, 9, Cook's-court, Lincoln's-inn: 4s. 7½d. (making 17s. 4½d.) in the pound.

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LONDON, JUNE 25, 1853.

WE have long thought that what is termed fusion of law and equity would come to pass, however much it might be opposed, but we did not certainly expect it to take effect so soon as now seems likely; for if the recommendations in the Second Report of the Common-law Commissioners are passed into law—and that they will cannot be doubted—it will be useless to talk any more about the propriety of fusion as a system; the thing will be practically done. For most purposes courts of law will be courts of equity, and as the recent improvements in Chancery only require to be fully and heartily carried out to make courts of equity, for a great many purposes, courts of law, the fusion will be all but complete. Before commenting on those portions of the Commissioners' Report which recommend these changes, we cannot refrain from expressing some degree of satisfaction, as Chancery lawyers, at the tardy justice done to the principles of our system by the common lawyers. Time was, and not very long ago, when no common lawyer would speak of equity but as a highly artificial system of iniquity. Our pleadings were the theme of ridicule; our tardiness was contrasted with the speed of the common law; above all, our principle of compelling a man to give evidence against himself was a mark for a sort of pious forensic horror, so opposed was it to the constitutional notions of the common law—to its beneficent tenderness for the liberty of the subject. But time and reflection,

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and, above all, the county courts, have induced the common lawyers to look into this mass of nonsense and iniquity called equity, and, upon looking into it, they have seen that it is very good, and that the adoption of a good deal of it will make the common law, "which is the perfection of reason," just a little more perfect. Now, what the Courts of common law propose to borrow from the other side of Westminster Hall is, to state it shortly, this:—Injunctions; specific performance of contracts; preliminary discovery of documents and facts; and inspection by parties and witnesses; and in the details of obtaining discovery they actually propose to adopt the written interrogatories of Chancery!

On discovery, the Commissioners say, "It thus appears that the Courts of law have power to compel inspection of documents, but that these Courts possess no means of compelling a discovery whether the documents sought for are in the possession or power of the opposite party. As to facts within the knowledge of an adverse party, the Courts of law possess no power of compelling discovery, except, indeed, that, by the recent change in the law, each party may be called as a witness by his opponent; but it is obvious that this course will only be resorted to in the most desperate emergency. It cannot reasonably be expected that a party, ignorant of what his adversary may be prepared to swear, shall put so adverse and interested a witness into the box without having had any opportunity of previous interrogation. For the purpose of discovery previous to the trial, whether of facts or of



documents, the party desiring it has now no alternative but to resort to a Court of equity. We have no hesitation in saying that this is altogether wrong. We assert, as an indisputable proposition, that every Court ought to possess within itself the means of administering complete justice within the scope of its jurisdiction. The necessity of resorting to a Court of equity for discovery involves fresh process, much delay, and additional expense, the greater part of which might be avoided by causing the necessary proceedings to be had in the court in which the suit is already pending. It is true, the Courts of law do not at present possess any machinery analogous to that of a bill of discovery; but we think it would be an additional advantage to get rid of so cumbrous and expensive a mode of proceeding; and we see no difficulty in devising a simple but efficacious mode of attaining the end desired."

And on the application of interrogatories they say, "We propose that either party in a cause shall be at liberty to deliver to the opposite party, provided such party would be liable to be called as a witness, or his attorney, written questions on the subjects on which discovery is sought; and to require such party, within a time to be fixed, to answer the questions in writing upon oath, sworn and filed in the same manner and under the same sanction, in case of falsehood, as an affidavit; and that the party omitting to answer within the prescribed time shall be subject to the consequences of a contempt of the Court. But we by no means propose to confine the power of interrogating such adverse party to the written questions above referred to. We think that in many cases an opportunity should be afforded for oral examination; at the same time, care must be taken that the power of personal examination be not abused, by being made a means of vexation and oppression, when used against weak or timid persons. We propose, therefore, not to leave it at the option of a party to demand an oral examination, but to give the Court or a Judge discretion, on the application of either party, in case of an insufficient answer to the written questions before referred to, or in any other case in which it may be made to appear essential to justice, to direct an oral examination of the other party before either a Judge or a Master of the court; or, if it shall be deemed expedient, in a country cause, before the judge of any county court, to whom it may be thought most convenient to refer such examination. Each party, when under examination, should be confined to answering the questions propounded by his adversary, with such explanations as are necessary to prevent a categorical answer from being the means of misleading; and it should be optional with the party interrogating to use the answers or not, as he may now do with regard to the answers given on a bill of discovery."

The mode in which it is proposed to carry out specific performance differs a little, but not much, from that practised in Chancery. The Commissioners propose to adapt to it the jurisdiction by mandamus, stripping it of its delays and technical difficulties, applying it to private as well as to public rights, and converting the proceeding, in fact, into a common action, having for its object the recovery of damages or the performance of the contract. They say, "The proceeding thus simplified may be applied to every

case in which specific performance of a contract or duty is to be enforced; and, for the reasons which we have already expressed, we think it ought to be so applied, and that Courts of law ought to have power to grant specific performance, and to enforce the specific delivery of goods, in every case in which that relief has hitherto been granted by Courts of equity. This mode of procedure will be the same as in ordinary actions, with the exception that the plaintiff, by his declaration, will pray the specific relief instead of merely a sum of money. There are cases in which a Court of equity, upon peculiar considerations of doubtful justice, grants specific performance, though the legal right be not complete at the commencement of the suit. It may not be advisable to interfere with the jurisdiction of Courts of equity in such cases, but only to give Courts of law the power of enforcing specific performance in the same cases in which compensation in damages only can now be obtained in those courts."

This mode of proceeding will carry the principle more completely into effect than is even done in Chancery, as it will reach directly and simply those cases which at present can only be reached in Chancery by what is termed the "mandatory injunction." We mean cases where what is required is, to order the defendant to execute some specific work, such as to make a bridge or a road, or to build a house, &c. If A. has contracted with B. to construct a bridge of a given character, a Court of equity does not include in its jurisdiction the authority to compel him to make it; all it can do is, to restrain him from making it in any other way, or to restrain him from passing over B.'s land without making it, or the like; and no doubt, in many cases, this mandatory injunction has the desired effect. But cases may be well imagined in which it will not: if, for instance, A. has ceased to want the bridge, or to go over B.'s land, there is nothing for the Court to enjoin, and A. cannot be compelled to perform his contract. This direct power ought also to be given to the Court of Chancery, in order to carry out the principle laid down by the Commissioners, that "in those cases in which at present the combined operation of both Courts, without any satisfactory means of communication between them, is required to make up a complete redress, even as between the same parties and in respect of the same subject-matter, a consolidation of all the elements of a complete remedy in the same court is obviously desirable, not to say imperatively necessary, to the establishment of a consistent and rational system of procedure."

In this principle we most heartily concur.

On the effect which a bill founded on the Commissioners' Report will have on the Bar we have scarcely left ourselves any space to observe. That it will produce an "amalgamation" can hardly be doubted; at first, the new proceedings will be so purely equitable, so new and strange to the common lawyers, that no doubt equity men will be called upon to appear in courts of law; and by degrees, as those who habitually practise in courts of common law become familiarised with equitable doctrines, they in their turn will be consulted indifferently on matters of law and equity; so that the good old times will return when all counsel practised in all courts, and the "other side of Westminster Hall" will become a mere antiquarian expression.

A QUESTION of more than usual interest has just been decided in the case of *Re Wynoh's Trusts*, a report of which will appear in our next number.

Although the facts of the case occupy some space in statement, the point decided was a short one, and we shall perhaps be excused if we present it here in a popular form. A testator, by will, bequeathed to one Mrs. Mealy an annuity of £600., to commence six months after his death, for her life, and the issue from her body lawfully begotten, on failure of which to revert to the heirs of the testator; and the will then contained a request that certain persons named would act as trustees for Mrs. Mealy, so that the said annuity might be secured for her sole use and benefit. These were the very words of the will, with only the immaterial modifications which the narrative form into which we have put them requires. Mrs. Mealy had children, by a subsequent marriage, born alive. The question—omitting the various subsequent dealings with the annuity, which were disregarded in the judgment—was, what interest in the annuity these words conferred upon Mrs. Mealy. The case was argued strenuously and very ably on either side, and the Vice-Chancellor, after some days' consideration, pronounced a decision which we believe will be read with satisfaction by the Profession, both on account of the conclusion at which the learned judge arrived, and the sound practical reasoning by which he supported his judgment.

The gist of the arguments may be thus shortly stated. On the part of those who contended that Mrs. Mealy took the absolute interest in the annuity, it was urged that a perpetual annuity, thus limited, was an anomalous kind of property, not real nor yet simply personal estate, but properly a personal hereditament, in the limitation of which the word "issue" should receive the same construction as it would if the subject of the gift had been real estate; for where the subject was of an inheritable nature, it was most reasonable, convenient, and simple to apply to it the established rules for construing devises of real hereditaments. But the word "issue," as here used, if the subject had been real estate, would have conferred an estate tail on the donee; and therefore, in the annuity, the will created a fee simple conditional, which was the nature of estates tail before the Statute de Donis, and must be the effect of this limitation, because the annuity did not come under the operation of that statute. This argument was ingeniously supported by reference to the clause of reverter, which applied, it was said, perfectly to a fee simple conditional, as in this kind of estate there would, from its nature, be a chance of reverter to the donor if Mrs. Mealy did not fulfil the condition of its limitation, by having a child born alive; but that this clause of reverter would have no meaning if the gift were construed to confer a life estate on Mrs. Mealy, and then to her issue as purchasers. Then, as Mrs. Mealy had fulfilled the condition, her interest became absolute.

On the other side, those who supported the view that the gift conferred a life interest on Mrs. Mealy, and then an absolute interest upon her issue as purchasers, argued that the annuity was simply personal property, and that the flexible word "issue" in bequests of per-

sonalty was not a word of limitation, for the sound reason that its having that effect in devises of real estate was a consequence of the rules of feudal tenure, which could have no application to personalty; and the argument was confirmed by reference to those cases in which, in order to effectuate the intention of testators, exceptions have been made to the rule, that words which would give an estate tail in realty would create an absolute interest in personal property.

The question, so argued, seems to be one of considerable difficulty, but it was in truth very simple, and the doubt was really occasioned by the consummate art with which the counsel for Mrs. Mealy passed sicco pede over the weak part of their case. A little consideration will shew that the argument on that side is based upon a most clear and audacious *petitio principii*. It would be very difficult indeed to say that the limitations of a personal hereditament should be construed differently from similar limitations of any other hereditament; but this point was inseparably involved in the question—Was this annuity a personal hereditament?—which Mrs. Mealy's counsel from the first quietly assumed. Now, an annuity may be perpetual without being a hereditament at all. It is only a hereditament when so limited as to descend to the heirs of the grantee. Here it could not so descend, unless "issue" were a word of limitation; therefore, to assume that the annuity was a hereditament, was to assume that "issue" was a word of limitation, which was the thing required to be proved.

Of course the Vice-Chancellor notices this in his judgment. The annuity was simply personal property: whether or not it was a hereditament depended upon the effect to be given to the word "issue." His Honor considers the force of this word in gifts of personalty, and both reason and authority lead him to the conclusion, that to construe it a word of purchase, which would cause the property to be divided among the issue as a class, is more consistent with the nature of personal property, according to our law, than an interpretation which would allow all to go to the eldest son in case of the death of the donee without having disposed of the annuity.

We believe that at this day, when our law of the descent of real property is probably only tolerated because descents seldom or never happen, and because the absurd rule, which gives all the father's real estate to one son in exclusion of the other children, is mitigated by the universal practice of dividing property by settlement or will, the public will unanimously assent to the wisdom of a decision which follows the more equitable principle of the distribution of personal property, in construing limitations of a doubtful kind of subject, expressed in words which, in cases of real estate, have received an arbitrary and inflexible meaning.

The Vice-Chancellor considered that his decision derived what seems to us unnecessary support from the direction in the will to secure the annuity for Mrs. Mealy's separate use. His Honor thought that this direction applied only, correctly, to a life estate, and therefore was itself an indication that the intention of the testator was to give her no more than an interest in the annuity for her life. But the argument against this view is very strong, that a trust for the separate

use of a married woman is by no means inapplicable or inoperative if applied to an absolute interest, for it confers on her the right during coverture to deal with or assign the whole, which is an important privilege. However, the judgment seems not to have needed the confirmation which the Vice-Chancellor thought this circumstance would afford.

Whenever the question, which was argued but not decided in this case, shall arise—when it shall be necessary to consider whether the limitations of a personal hereditament are to be construed as though the subject were real or personal estate—the question will be more difficult. We do not see any escape from the conclusion to which all considerations of convenience directly lead, that such limitations must be construed according to the known rules commonly applicable to them in the case of real estate. Many of these—such as the rule in *Shelley's case*, the rule in *Wild's case*, the *cy près* doctrine, and others—are incidental to and dependent upon the ordinary law of descent of real property; and this, which is perhaps the most objectionable, being allowed to govern the devolution of a personal hereditament, it would be impossible, without occasioning grievous confusion, to hold that those other rules, which are so closely connected with the law of descent, are not equally applicable.

#### Reviews.

*The Gold Companies and the Cost-book System.* By JOSEPH NAPIER HIGGINS, Esq., of Lincoln's Inn, Barrister at Law, A.B., M.R.I.A. Second Edition\*. Pp. 31. [E. Wilson.]

THE 64th section of the stat. 7 & 8 Vict. c. 110, ("An Act for the Registration, Incorporation, and Regulation of Joint-stock Companies"), provides, "that nothing in this act contained shall extend, or be construed to extend, to any partnership formed for the working of mines, minerals, and quarries, of what nature soever, on the principle commonly called 'The Cost-book Principle.'" This exemption from the restrictions of an act which all speculators desire to evade has naturally brought "the cost-book principle" into general notice, and many attempts have been made to acclimatize it beyond the limits of its ancient habitat in Cornwall. We have on a former occasion given some account of the peculiarities of a cost-book association in Cornwall, and have expressed an opinion that a company for working foreign mines on that principle may lawfully be established in this country, so as to be within the exception in the Joint-stock Companies Registration Act. (16 Jur., part 2, p. 23). We did not attempt to discuss the expediency of adopting such a constitution for such purposes. One of the objects of the present pamphlet is to throw a doubt on the possibility of establishing a company on the cost-book principle for operations to be carried on out of the jurisdiction of the Stannaries Court; and the other is to suggest the inexpediency of doing so, if it be possible. Mr. Higgins mentions the following particulars, as being apparently of the essence of the system:—

"A license to dig for minerals or a lease having been granted to one or more of the adventurers, the first step towards the formation of the company is a meeting, at which every adventurer has a right to be present, for the purpose of settling the amount of capital

necessary to work the mine, its division into shares, and the allotment thereof. Then follow—the appointment by the whole body of shareholders of an agent or person, whose duties are distinctly defined by usage; the opening of the cost-book, which should contain the names of all the shareholders, and be the register of transfers, as well as be the minute-book and ledger of the company; and finally, authority delegated to the purser, or, in some instances, a managing committee, to make calls, discharge liabilities, summon general meetings, and otherwise to manage the undertaking. The general meetings are usually bi-monthly or monthly, at any one of which it is competent for the majority to dissolve the company, which could be a matter of little difficulty at any time, since the accounts are balanced and the dividends declared at each meeting. It is considered a breach of the customary usage if there has been no general meeting for the settlement of accounts, and declaration of profit or loss, for a period extending beyond two months. Another important feature in the system is the giving notice in writing to the purser of the intended withdrawal of a co-adventurer, which entitles him to the payment of the amount of his share, less his proportion of whatever debts or liabilities the company may have contracted since the time of its last general meeting and dividend. The main and most important feature in the whole system is the total want of power in the purser or committee of management to discharge any function, or do any act on behalf the company, except so far as the whole body of shareholders may have delegated the power to them. The purser has no power in himself to bind his co-adventurers to any extent or in any manner, save as he has authority from those whose agent he assumes to be. It is incompatible with the spirit of the whole system that the management, or indeed power or control of any sort, should be delegated for a lengthened period, though the practice is to continue the same manager or committee of management from month to month, by renewing the appointment at each successive general meeting."

Mr. Higgins then asks how many of these conditions have been observed by the several mining companies recently established in London under the name of cost-book companies, and suggests that in the majority there have not been that preliminary meeting, that opening of a regular cost-book, those frequently recurring general meetings, and that recognition of the right of each individual shareholder to call for an account at any time, in order to obtain repayment of his money, less the debts and liabilities (if any) of the concern, which he considers to be essential to the existence of a true cost-book association.

In defining the cost-book principle, too much importance has been attributed to the cost-book, from which the name has been derived. In the simple proceedings of the Cornish associations, a single book suffices to contain all the records of the concern. At each meeting, all receipts and disbursements, all changes of ownership, and all other matters of common interest requiring to be recorded, are entered in the same book, or, having been entered in the interval from the last meeting, are then reviewed, and, if necessary, corrected or allowed and confirmed. But it can never be held essential that all these entries should be made in the same book. A cost-book company may, if they think fit, without abandoning their principle, use one book solely for entries of proprietorships of shares and assignments of shares, another book for daily expenses, and a third for entering balances and payments of profits, or calls and payments on them. Again: there can be nothing essential in the holding of meetings every two months or oftener, if the partners think fit to dispense with such frequent meetings and to give adequate powers

\* This is not a second edition, nor even a reprint of the body of the pamphlet, but it is part of the original impression, with a new title-page and a preface.

to their purser or committee. The essential incidents of a cost-book association appear to be these—1. A division of the interest in the undertaking into shares. 2. An account of expenses and receipts, open to all the shareholders, and balanced at a general meeting. 3. Power in the majority at a general meeting to make calls. 4. Power in each shareholder to assign his share without the consent of the others. 5. Transfers of shares, made by entry in a book. 6. Power in each shareholder to relinquish his share at any time, and to have his account with the partnership balanced and settled. These incidents, though they are not all peculiar to cost-book associations, appear to be essentially included in the principle of them. But we conceive that the interval from meeting to meeting may be six or twelve months, and that the powers of the purser or committee to manage the concern and order supplies on credit or otherwise may be enlarged without infringing on the principle; and so we conceive that the purser or committee may be authorised to take new leases or new mines in enlargement of the original undertaking.

Mr. Higgins then points out the advantage derived by companies within the jurisdiction of the Stannaries Court, from the summary legal and equitable relief administered to its suitors by the Vice-warden, and suggests that there may be considerable ground for doubting whether the exception contained in sect. 63 of the Joint-stock Companies Registration Act applies to any mining companies out of the jurisdiction of the Stannaries Court. We cannot see any ground for the doubt. If the cost-book principle had involved any customary exceptions from the rules of law or of equity, limited to the locality of the Stannaries, it would have followed, that, without an alteration in the law, no company could be established on the cost-book principle beyond the Stannaries district. But as there is no one right or liability, whether essential or not, of a member of a cost-book association, which is inconsistent with any rule of law or equity, or which is not recognised or cannot readily be enforced by the ordinary courts of this country, it is clear that the mere accident that the cost-book system has for ages been almost peculiar to the Stannaries district, and that the proceedings of the customary courts of that district are peculiarly adapted to the easy and speedy enforcement of those rights and liabilities, cannot afford any ground for restricting the exception in the Joint-stock Companies Registration Act to the Stannaries.

Mr. Higgins has, however, done good service by calling public attention to the characteristics of the cost-book system, and by suggesting the difficulties which associations professedly formed on that system are liable to encounter, from neglecting to act up to the principle of their constitution. We shall conclude our notice with the following extract, which contains a caution by no means uncalled for:—

"It only remains for me to add a few words about another phase in the constitution of certain of the companies under consideration. I allude to such of them as add to their mining operations the business of buying and selling ore, gold, or any other commodity for the purposes of trading. It is clear that they can have no pretence to claim exemption from the Joint-stock Companies Registration Act, since they do not profess to confine themselves to the working of mines, minerals, or quarries, but formed generally for the 'commercial purposes' and 'purposes of profit' pointed out in the 2nd section of that act, and they are therefore clearly subject to all its regulations and provisions."

The Queen has been pleased to confer the honour of Knighthood upon John Stuart, Esq., a Vice-Chancellor; also upon Richard Bethell, Esq., M.P., her Majesty's Solicitor-General.

## Court Papers.

### EQUITY SITTINGS, AFTER TRINITY TERM, 1853.

#### Court of Chancery.

*Before the LORD CHANCELLOR, at Lincoln's Inn.*

Tuesday....	June 21	First Seal.—Appeal Motions and Appeals.
Wednesday .....	22	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	23	
Friday .....	24	
Saturday .....	25	Appeals.
Monday .....	27	
Tuesday .....	28	
Wednesday .....	29	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	30	Second Seal.—Appeal Motions and Appeals.
Friday .....	July 1	
Saturday .....	2	Appeals.
Monday .....	4	
Tuesday .....	5	
Wednesday .....	6	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	7	
Friday .....	8	
Saturday .....	9	Appeals.
Monday .....	11	
Tuesday .....	12	
Wednesday .....	13	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	14	Third Seal.—Appeal Motions and Appeals.
Friday .....	15	
Saturday .....	16	Appeals.
Monday .....	18	
Tuesday .....	19	
Wednesday .....	20	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	21	
Friday .....	22	
Saturday .....	23	Appeals.
Monday .....	25	
Tuesday .....	26	
Wednesday .....	27	(Petition-day).—Petitions in Lunacy, Appeal Petitions, and Appeals.
Thursday .....	28	Fourth Seal.—Appeal Motions and Appeals.
Friday .....	29	General Petition-day.

N.B.—The days his Lordship attends the House of Lords excepted.

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Tuesday....	June 21	First Seal.—Appeal Motions.
Wednesday .....	22	Appeals.
Thursday .....	23	
Friday .....	24	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	25	
Monday .....	27	Appeals.
Tuesday .....	28	
Wednesday .....	29	
Thursday .....	30	Second Seal.—Appeal Motions and Appeals.
Friday .....	July 1	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	2	
Monday .....	4	
Tuesday .....	5	Appeals.
Wednesday .....	6	
Thursday .....	7	
Friday .....	8	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	9	
Monday .....	11	Appeals.
Tuesday .....	12	
Wednesday .....	13	

Thursday .....	14	Third Seal.—Appeal Motions and Appeals.
Friday .....	15	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	16	
Monday .....	18	
Tuesday .....	19	Appeals.
Wednesday .....	20	
Thursday .....	21	
Friday .....	22	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	23	
Monday .....	25	Appeals.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Fourth Seal.—Appeal Motions and Appeals.
Friday .....	29	Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.

**Rolls Court.**

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Tuesday....	June 21	Motions.
Wednesday .....	22	{ Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Thursday .....	23	
Friday .....	24	
Saturday .....	25	Petitions in General Paper.
Monday.....	27	{ Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Tuesday.....	28	
Wednesday .....	29	
Thursday .....	30	Motions.
Friday .....	July 1	{ Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Saturday .....	2	
Monday.....	4	
Tuesday .....	5	
Wednesday .....	6	
Thursday .....	7	
Friday .....	8	
Saturday .....	9	
Monday.....	11	
Tuesday .....	12	{ Motions.
Wednesday .....	13	
Thursday .....	14	
Friday .....	15	
Saturday .....	16	
Monday.....	18	
Tuesday.....	19	
Wednesday .....	20	
Thursday .....	21	
Friday .....	22	{ Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Saturday .....	23	
Monday.....	25	
Tuesday.....	26	{ Motions.
Wednesday .....	27	
Thursday .....	28	
Friday .....	29	Petitions in General Paper.

*Notice.*—At the Sittings after Trinity Term, the Master of the Rolls will hear Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, previous to proceeding to hear original causes.

Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

**Vice-Chancellors' Courts.**

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Lincoln's Inn.*

Tuesday....	June 21	First Seal.—Motions and Causes.
Wednesday .....	22	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	23	Claims, and Further Directions.

Friday .....	24	Petitions (unopposed first).
Saturday .....	25	Short Causes, Short Claims, & Causes.
Monday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	28	
Wednesday .....	29	
Thursday .....	30	Second Seal.—Motions and Causes.
Friday .....	July 1	Petitions (unopposed first).
Saturday .....	2	Short Causes, Short Claims, & Causes.
Monday .....	4	
Tuesday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	6	
Thursday .....	7	
Friday .....	8	Petitions (unopposed first).
Saturday .....	9	Short Causes, Short Claims, & Causes.
Monday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	12	
Wednesday .....	13	
Thursday .....	14	Third Seal.—Motions and Ditto.
Friday .....	15	Petitions (unopposed first).
Saturday .....	16	Short Causes, Short Claims, & Causes.
Monday .....	18	
Tuesday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	20	
Thursday .....	21	
Friday .....	22	Petitions (unopposed first).
Saturday .....	23	Short Causes, Short Claims, & Causes.
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	26	
Wednesday .....	27	
Thursday .....	28	Fourth Seal.—Motions and Ditto.
Friday .....	29	Petition-day (unopposed first).

N. B.—Unopposed Petitions at the sitting of the Court, not exceeding ten, (except Seal-days).

After the Second Seal, the Vice-Chancellor will hear Exceptions and Further Directions, Further Considerations, and Further Directions and Costs, in priority to original causes.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Tuesday....	June 21	First Seal.—Motions and Causes.
Wednesday .....	22	
Thursday .....	23	Pleas, Demurrers, Exceptions, Causes,
Friday .....	24	Claims, and Further Directions.
Saturday .....	25	
Monday .....	27	Petitions (unopposed first).
Tuesday .....	28	Short Causes, Short Claims, & Causes.
Wednesday .....	29	General Paper.
Thursday .....	30	Second Seal.—Motions and Ditto.
Friday .....	July 1	Pleas, Demurrers, Exceptions, Causes,
Saturday .....	2	Claims, and Further Directions.
Monday .....	4	Petitions (unopposed first).
Tuesday .....	5	Short Causes, Short Claims, & Causes.
Wednesday .....	6	
Thursday .....	7	Pleas, Demurrers, Exceptions, Causes,
Friday .....	8	Claims, and Further Directions.
Saturday .....	9	
Monday .....	11	Petitions (unopposed first).
Tuesday .....	12	Short Causes, Short Claims, & Causes.
Wednesday .....	13	General Paper.
Thursday .....	14	Third Seal.—Motions and Ditto.
Friday .....	15	Pleas, Demurrers, Exceptions, Causes,
Saturday .....	16	Claims, and Further Directions.
Monday .....	18	Petitions (unopposed first).
Tuesday .....	19	Short Causes, Short Claims, & Causes.
Wednesday .....	20	
Thursday .....	21	Pleas, Demurrers, Exceptions, Causes,
Friday .....	22	Claims, and Further Directions.
Saturday .....	23	
Monday .....	25	Petitions (unopposed first).
Tuesday .....	26	Short Causes, Short Claims, & Causes.
Wednesday .....	27	General Paper.
Thursday .....	28	Fourth Seal.—Motions and Ditto.
Friday .....	29	Petitions (unopposed first).

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Tuesday....	June 21	First Seal.—Motions and Causes.
Wednesday .....	22	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	23	Claims, and Further Directions.
Friday .....	24	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.

Saturday .....	25		Bennett v. Powell (M for dec.)	Wood v. M'Lachlan
Monday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Manier v. Cory (Cl)	Rippon v. Wawa
Tuesday .....	28		Heath v. Chapman } (F D)	Mayhew v. Canan (F D, C)
Wednesday .....	29		Heath v. Zener } Mich. T.	Kelly v. Waddell (F D, C)
Thursday .....	30	Second Seal.—Motions and Ditto.	Green v. Martin	Seamans v. Smith (Cl)
Friday .....	July 1	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.	Johnson v. Tucker (4 causes)	Arden v. Thompson (F D, C)
Saturday .....	2		Taplin v. Johnson (F D, C)	Adams v. Smyth (M for dec.)
Monday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Footner v. Cooper (M for dec.)	Haldren v. Holt (M for dec.)
Tuesday .....	5		Gwennap v. Burns (F D, C)	Gabbittas v. Saunders (Cl) SA
Wednesday .....	6		Proctor v. Cooper	Pryce v. Bury (M for decree)
Thursday .....	7		Hodson v. Micklethwaite (Cl)	Philpot v. Reader (F D, Ptn) SA
Friday .....	8	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.	Bennett v. Goude (E, F D)	Rowe v. Sharp (4 causes, F D, C)
Saturday .....	9		D'Almaine v. Moseley (F D, C)	Brokenshire v. Cope (Cl)
Monday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Westbrooke v. Knight (F D, C)	English v. Baring
Tuesday .....	12		Sudlow v. Dod (E)	Baring v. English
Wednesday .....	13		Mathison v. Clark	Jearard v. Tracy (F D, C)
Thursday .....	14	Third Seal.—Motions and Ditto.	Roberts v. Roberts (Cause)	Matthewman v. Woodcock (F D, C)
Friday .....	15	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.	Same v. Radcliffe (F D, C)	Cutler v. Forward (M for dec.)
Saturday .....	16		Hall v. Langley (F D, C)	Ashwin v. Smith
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Watkins v. Hitchcock (E, F D)	Princep v. Hinckley
Tuesday .....	19		Delahoy v. Lovejoy (Further consideration)	Hooker v. Bail (M for decree)
Wednesday .....	20		Boileau v. Crane (F D, C)	Poore v. Cullen (Cl) SA
Thursday .....	21		Hornby v. De Prebois (Cl)	Taylor v. Richardson (M for decree)
Friday .....	22	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.	Chambers v. Waters (F D) SA	Cuthbert v. Flower
Saturday .....	23		Symonds v. Winston	Clark v. Clark (Further cons.)
Monday .....	25	Pleas, Demurrers, Exceptions, Claims, Causes, and Further Directions.	Symonds v. Same } (Cau., F D)	Stock v. Whitmore (F D, C)
Tuesday .....	26		Same v. Sweet	Knight v. Paterson (2 causes).
Wednesday .....	27		Same v. St. George	
Thursday .....	28	Fourth Seal.—Motions and Ditto.		
Friday .....	29	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.		

### EQUITY CAUSE LISTS, AFTER TRINITY TERM, 1853.

\*. The following abbreviations have been adopted to save the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Rehearing—S. O. Stand Over—SA. Short.

#### Court of Chancery.

##### Before the LORD CHANCELLOR.

APPEALS.	
Edwards v. Champion (Ap) June 25	Edwards v. Tuck } (Ap) Full court
In re Burchell A day to be fixed for a full court	Same v. Sutton } court
	Long v. Long (Special case)
	In re Long (Lc. Ptn) Full court.

##### Before the LORDS JUSTICES.

APPEALS.	
Langford v. May (Part heard)	Seton v. Waller (F D, C) S O to apply.
York and North Midland Railway Co. v. Hudson (Ap)	Simpson v. Chapman } (Ap)
Peer v. Hesse (Ap) After 3rd Seal	Same v. Same
Stamland v. Willett (F D, C) S O to apply	Pennell v. Deffell (Ap)
Howard v. Wheatley (F D, C) S O to apply	Powell v. Perahouse } (Ap)
	Same v. Taylor
	Stronge v. Hawkes } (Ap)
	Same v. Adams
	Davies v. Davies (Ap on Cl)
	Martin v. Martin (Ap).

##### Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

Jackson v. Turnley (D)	Carter v. Taggart (9 causes, F D, Ptn)
Hitchcock v. Hitchcock	Parkin v. Wightwick (F D, C)
Trimmer v. Danby	Waugh v. Wyche
Harper v. Trimmer	Winthrop v. Elderton
Palk v. Gibson	Jones v. Roberts (Cl)
Moodie v. Banister	Clark v. Taylor (M for decree)
Clements v. Bowes	Mander v. Williams
Dovey v. Bayfield (F D, C)	Briggs v. Gordon
Caton v. Eversall (Cl)	

##### Before Vice-Chancellor Sir J. STUART.

Mellersh v. Bridger } (Part Smith v. Same } heard)	Forryth v. Chard (F D, C)
Jones v. Tynte (2 causes)	Partington v. Smith (Cl)
Harvey v. Bateman Mich. T.	Beames v. Smith
Nottidge v. Tebbs	Wright v. Wright (F D, C)
Corbett v. Jaundrell (F D, C)	Dawson v. Spence
Martin v. Martin (E)	Turner v. Speakman (F D, C)
Attorney-Gen. v. Thompson	Cox v. Barnard (F D, C)
Fry v. Gilbert (Cl)	Howard v. Earl of Fingall
Holmes v. Percival (Cl)	Smith v. Simmons (Cl)
Paske v. Paske	Baker v. Smith } (F D, C)
Heyne v. Tyler (F D, C)	Same v. Baker
Bryson v. Warwick and Birmingham Canal Navigation Co.	Holman v. Loynes
Same v. Grice	Gray v. Broad (Cl)
Thompson v. Norris	Davis v. Hunt (F D, C)
Miner v. Baldwin (F D, C)	Eldridge v. Low (F D, C)
Domville v. Bayley (M for decree)	Barrow v. Prest (M for dec.)
Barnes v. Laing (F D, C)	Living v. Arnold
Clark v. Phillips (F D, C)	Wilson v. Timedene
Taylor v. Somersall	Gallemore v. Gill
Wallis v. Bastard (Cl)	Jones v. Evans (7 causes, F D, C)
Pitt v. Pitt (F D, C)	Purnell v. Penton (F D, C)
Wright v. Massey	Teigh v. Lee (Further cons.)
Same v. Adahed	Powell v. Perahouse } (F D, C, E)
Same v. Barber	Powell v. Taylor } C. E.
Same v. Slater	Cradoek v. Owen (Further consideration)
Same v. Worth	Harrison v. Harrison } (F D, C)
Same v. Allman	Hope v. Same } C)
Same v. Wood	Evans v. Jones (F D) SA
Same v. Barlow	Somersall v. Lessence
Hamilton v. Marks	Coldwell v. Holmes (F D, C)
Plumbe v. Plumbe (E)	Jaffon v. Bensman
Lea v. Smith (Cause)	Glasse v. Cliff (M for decree)
Same v. Same (F D)	Howard v. Howard (F D, C)
Wallis v. Wallis (Cl)	Walbank v. O'Bryen (6 causes, F D, C)
Lewis v. Davis	Torre v. Torre
Chapman v. Nicholson (M for decree)	Faithful v. Gillett (3 causes, F D, C)
Dawes v. Jacobs (M for dec.)	Lawson v. Barton (F D) SA
Harwood v. Welham (Cl)	Attride v. Lewin (F D, C)
Stedman v. Rodwell (Cl)	Smees v. Aldis (Cl)
Dawkins v. Rose (F D, C)	Hart v. Barnett (F D, C)
Thomas v. Williams	Figg v. Bradley (F D, C)
Hall v. Robertson (F D, C)	Ridgway v. Wharton
	Wilding v. Jones SA

Claghorn v. Horn (F D, C)  
 Hope v. Threlfall  
 Senhouse v. Gaitskell

Farrer v. Manning (From the  
 Rolls)  
 Constable v. Bull (F D, C).

*Before Vice-Chancellor Sir W. P. Wood.*

Major v. Tippet (CI, part hd.)  
 Young v. Freeman (D)  
 Ward v. Miles (CI)  
 Dalrymple v. Hannah (CI)  
 Douglas v. Burdakin (3 causes)  
 Windsor v. Cross (F D, C)  
 Blissett v. Daniel  
 Hodgson v. Browning (CI)  
 Aspinall v. London & North-  
 western Railway Co.  
 Att.-Gen. v. Clapham (M for  
 decree)  
 Allen v. Coppold (CI) *June 30*  
 Crawford v. Bott (CI)  
 Wyndham v. Fane (Sp. case)  
 Lane v. Debenham (Sp. case)  
 Warter v. Anderson  
 Goodbody v. Ward (CI)  
 St. Paul v. Birmingham, Wol-  
 verhampton, and Stour Val-  
 ley Railway Co.  
 Watkins v. Horton (Sp. case)  
 Goodlad v. Burnett (CI)  
 Colquhoun v. Collinson (2 ca.)  
 Holford v. Gate (2 causes)  
 Bentley v. Robinson  
 Ames v. Ames (Special case)  
 Sheppard v. Joyces (CI)  
 Carter v. Hind  
 Forbes v. Forbes  
 Jones v. Bonney  
 Clifford v. Clifford  
 Spike v. Manners  
 Gronow v. Lettson (Sp. case)  
 Hibbert v. Balchin (CI)  
 Chance v. Garry  
 Goldsmith v. Goldsmith (F D,  
 C)  
 Pearson v. Wilcox (CI)  
 Mounsey v. Irving (M for dec.)  
 Saunders v. Walker (Further  
 consideration)  
 Kavanagh v. Morland (Special  
 case)  
 Hanman v. Riley (Further  
 consideration)  
 Smith v. Hurlback  
 Price v. Johnson (CI)  
 Williams v. Morgan (M for  
 decree)  
 Hartridge v. Austin  
 Evans v. Jones  
 Abraham v. Sharpe (CI)  
 Fraser v. Patrickson  
 Norton v. Steinkopf (M for  
 decree)  
 Hay v. Flintoff (Cause, F D)  
 Bassett v. Wishart (CI)  
 Mandeno v. Mandeno  
 Thomas v. Platts (Further con-  
 sideration)  
 Gould v. White (CI)

Brenan v. Preston (2 causes)  
 Walker v. Johnson (M for de-  
 cree)  
 Lane v. Fox (CI)  
 Mills v. Fenwick  
 Hodges v. Wall  
 Cousins v. Vasey (Further  
 consideration)  
 Wilson v. Wilson (CI)  
 Kenworthy v. Ward (CI) *SA*  
 Stroud v. Norman (M for de-  
 cree)  
 Abbott v. Calton (F D, C)  
 Douglas v. Fellows (CI)  
 Smith v. Brown (CI)  
 Jenkins v. Evans (Sp. case)  
 Knight v. Knight  
 Fry v. Capper (Special case)  
 Neatherway v. Fry (Sp. case)  
 Loosemore v. Knapman (M  
 for decree)  
 Furneaux v. Lascombe (CI)  
 Barford v. Barford (CI)  
 Wright v. Shelton  
 Walter v. Peddle (CI)  
 Att.-Gen. v. Slater (M for de-  
 cree)  
 Rowth v. Blgrave (CI)  
 Woods v. Townley (F D, C)  
 Tatlock v. Jenkins (CI)  
 Att.-Gen. v. Eastlake (M for  
 decree)  
 Litchfield v. Brown (CI)  
 Ogden v. Brown (CI)  
 Harvey v. Mayhew  
 Daddy v. Cole (CI) *SA*  
 Hirst v. Stokehill (CI)  
 Wilson v. Birkett (M for dec.)  
 Reid v. Page (CI)  
 Rowley v. Rowley  
 Hammond v. Stocks (CI)  
 Atkinson v. Oxford, Worces-  
 ter, and Wolverhampton  
 Railway Co.  
 Mears v. Best (CI)  
 Mackley v. Smith (CI)  
 Cartledge v. Harrison (F D,  
 C)  
 Siffken v. Davis (M for dec.)  
 Osborne v. Barrett  
 Jones v. Mason (CI)  
 Walker v. Poole  
 Bird v. Greenbank (F D, C)  
 Collmann v. Llewellyn (CI)  
 Lavender v. Lavender (Special  
 case)  
 Green v. Broughton (E)  
 Parker v. Lake (F D, C)  
 Richards v. Perkins (F D) *SA*  
 Lowe v. Thomas (M for dec.)  
 Butler v. Stephens (Further  
 consideration).

**London Gazettes.**

**FRIDAY, JUNE 17.**

**BANKRUPTS.**

JOSEPH BATES, Stevenage, Hertfordshire, builder, dealer and chapman, June 28 and July 28 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Loe, Gray's-inn-square.—Petition filed June 15.

JOHN WILLIAM HAYLOCK, Lawrence-street, Chelsea, Middlesex, licensed victualler, July 4 at 2, and Aug. 1 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lawrence, 6, Gray's-inn-square, London.—Petition filed June 13.

ISAAC KING, Ball Head-court, Newgate-street, London, carpenter and builder, dealer and chapman, June 28 at half-past 2, and July 26 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Chidley, 19, Gresham-street, London.—Petition filed June 16.

ABRAHAM CLARKSON, Reading, Berkshire, licensed victualler, common brewer, railway contractor, dealer and chapman, June 25 at half-past 1, and Aug. 5 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Nichols & Clark, 9, Cook's-court, Lincoln's-inn.—Petition filed June 15.

JOSEPH NASH, Lewisham, Kent, draper, dealer and chapman, June 24 at 1, and Aug. 6 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Mason, Moira-chambers, 17, Ironmonger-lane.—Petition filed June 8.

FREDERIC WILLIAM WHITE, Castleford, Yorkshire, linendraper, dealer and chapman, July 4 at 12, and July 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Middleton, Leeds.—Petition filed June 15.

**MEETINGS.**

*Edward Theobald Blakeley*, Norwich, shawl manufacturer, June 28 at 11, Court of Bankruptcy, London, pr. d.—*William Henry Adams*, St. John-street-road, Middlesex, woollendraper, July 6 at 12, Court of Bankruptcy, London, and ac.; July 8 at 1, last ex. and div.—*F. Young*, Union-place, Walworth-road, Surrey, draper, July 6 at 1, Court of Bankruptcy, London, and ac.; July 11 at half-past 1, div.—*John Turner*, Uckfield, Sussex, grocer, July 6 at 1, Court of Bankruptcy, London, and ac.; July 11 at 1, div.—*Chas. Clark*, Cambridge, gunmaker, July 14 at 2, Court of Bankruptcy, London, last ex.—*William Martin*, Hertford Bridge, Elytham, Southampton, smith, July 14 at 1, Court of Bankruptcy, London, and ac.—*Wm. Ayres*, Blackheath, Kent, nurseryman, July 1 at half-past 11, Court of Bankruptcy, London, and ac.; July 8 at 2, div.—*Augustus F. Hemming*, Chiswell-st., Finsbury, Middlesex, elastic surgical instrument maker, July 2 at 12, Court of Bankruptcy, London, and ac.; July 9 at 12, div.—*James Richard Grimeshaw*, Pemberton, Lancashire, master coal miner, June 30 at 11, District Court of Bankruptcy, Liverpool, and ac.—*James Thomas*, Newport, Monmouthshire, apothecary, July 7 at 11, District Court of Bankruptcy, Bristol, and ac.—*William Thomas and Griffith Thomas*, Aberdare and Aberaman, Glamorganshire, grocers, July 7 at 11, District Court of Bankruptcy, Bristol, and ac.—*Alex. Walker*, Weston, near Bath, Somersetshire, common brewer, July 14 at 11, District Court of Bankruptcy, Bristol, and ac.; July 21 at 11, div.—*Philip Jones*, Llangattock, Monmouthshire, banker, July 15 at 11, District Court of Bankruptcy, Bristol, and ac.; July 20 at 11, div.—*Stearns J. Negroponte*, Manchester, merchant, June 28 at 12, District Court of Bankruptcy, Manchester, and ac.—*Eden Clark and Henry Bleackley*, Chorlton-upon-Medlock, Lancashire, ironmongers, July 4 at 12, District Court of Bankruptcy, Manchester, and ac.; July 11 at 12, div.—*Daniel Jas. Field and Boulton Molineaux* the younger, Manchester, flour dealers, June 29 at 12, District Court of Bankruptcy, Manchester, and ac.—*T. Moyle*, Deansgate, Manchester, draper, July 4 at 12, District Court of Bankruptcy, Manchester, and ac.; July 11 at 12, div.—*John Skidmore*, Sutton, near Macclesfield, Cheshire, pasteboard manufacturer, June 29 at 12, District Court of Bankruptcy, Manchester, and ac.—*Alfred Atley*, Manchester, glass dealer, June 29 at 12, District Court of Bankruptcy, Manchester, and ac.—*John Henry Charnock*, Wakefield, Yorkshire, sharebroker, July 5 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 11, div.—*J. Ramsden and Jas. Ramsden* the younger, Armley, Leeds, York-

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Robert Ascroft, Gent., of Preston, Lancashire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county Lancaster.



shire, cloth manufacturers, July 5 at 12, District Court of Bankruptcy, Leeds, and. ac.—*Isaac Unwin*, Poland-street, Oxford-street, Middlesex, builder, July 7 at 2, Court of Bankruptcy, London, div.—*Charles Doudney Cray*, Southampton, grocer, July 11 at 11, Court of Bankruptcy, London, div.—*Herbert Ashton and Steward Spriggs*, Aldermanbury, London, warehousemen, July 5 at 12, Court of Bankruptcy, London, div. sp. est. of *S. Spriggs*.—*Robert Willmott*, Peterborough, Northamptonshire, tailor, July 8 at 11, Court of Bankruptcy, London, div.—*James Spencer Gorely*, Ewell, Surrey, farmer, July 8 at 2, Court of Bankruptcy, London, first and fin. div.—*Wm. Gossing*, High-street, Woolwich, Kent, ironmonger, July 11 at 1, Court of Bankruptcy, London, div.—*William Weller*, Chatham, Kent, maltster, July 8 at 2, Court of Bankruptcy, London, div.—*George Barber*, Bishopsgate-street Without, London, grocer, July 8 at 11, Court of Bankruptcy, London, div.—*William Robinson*, Maidstone, Kent, linen-draper, July 11 at half-past 1, Court of Bankruptcy, London, div.—*William Williams and Robert M. Marchant*, Great George-street, Westminster, Middlesex; Liverpool, Lancashire; and Campden, Gloucestershire, contractors for public works, July 9 at 1, Court of Bankruptcy, London, div. sep. est. of *R. M. Marchant*.—*Jacob Jenkins Nicholas*, Newport, Monmouthshire, timber merchant, July 7 at 11, District Court of Bankruptcy, Bristol, div.—*Henry Clarke*, Sheffield, Yorkshire, builder, July 23 (and not July 2, as advertised in the Gazette of June 10) at 10, District Court of Bankruptcy, Sheffield, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Martin*, Hertford Bridge, Elvetham, Southampton, smith, July 14 at 1, Court of Bankruptcy, London.—*John Hill*, Prospect-place, Holloway-road, Middlesex, builder, July 11 at 12, Court of Bankruptcy, London.—*Michael Cox*, Liverpool, grocer, July 8 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Alfred Sparrow*, Liverpool, metal broker, July 11 at 11, District Court of Bankruptcy, Liverpool.—*Joshua Taylor*, Manchester, power-loom cloth manufacturer, July 12 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Stepford T. Jones*, King William-street, London, and Old Jamaica Wharf, Upper Ground-street, Lambeth, Surrey, coal agent.—*Alexander Walker*, Weston, near Bath, Somersetshire, common brewer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Garratt Longman*, Hertford, dyer, June 24 at 11, County Court of Hertfordshire, at Hertford.—*James Savage*, Arrow, Warwickshire, labourer, June 29 at 10, County Court of Warwickshire, at Alcester.—*Alfred Manks Mort*, Wigan, Lancashire, out of business, July 5 at 12, County Court of Lancashire, at Wigan.—*Richard Derham*, Bristol, dealer in jewellery, June 22 at 11, County Court of Gloucestershire, at Bristol.—*Richard Hillier*, Bristol, out of business, June 22 at 11, County Court of Gloucestershire, at Bristol.—*John F. Bagg*, Canterbury, shoemaker, June 22 at 11, County Court of Kent, at Canterbury.—*John Birch*, Birkenhead, Cheshire, railway clerk, June 24 at 10, County Court of Cheshire, at Birkenhead.—*Thomas King*, Ballingdon, Essex, stonemason, July 6 at 12, County Court of Suffolk, at Sudbury.—*John Charlton*, Bedlington Colliery, Northumberland, labourer, July 15 at 10, County Court of Northumberland, at Morpeth.—*Wm. G. Vickers*, Wolverhampton, Staffordshire, grocer, June 27 at 9, County Court of Staffordshire, at Wolverhampton.—*Wm. T. Cobley*, Birmingham, stoker, July 16 at 10, County Court of Warwickshire, at Birmingham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 1 at 11, before the CHIEF COMMISSIONER.*

*John Woolway*, East Greenwich, Kent, wheelwright.—

*Simon Hobson*, Silver-street, Golden-square, Middlesex, carpenter.

*July 1 at 10, before Mr. Commissioner LAW.*

*Henry Wells Hughes*, Brewer-st., Golden-square, Middlesex, plumber.—*Josiah Clements*, South Island-place, Brixton-road, Surrey, out of business.

*July 2 at 11, before Mr. Commissioner PHILLIPS.*

*George Augustus Maresden Duncan*, Hampton-grove, Seething Wells, Surbiton, Surrey, clerk in the Admiralty, Somerset House.—*Wm. Nettleton Boyce*, Halsey-st., Chelsea, Middlesex, lieutenant in her Majesty's Navy, retired upon half-pay.

*July 4 at 10, before Mr. Commissioner LAW.*

*Henry Harsant*, Hoxton Old-town, Middlesex, butcher.

*July 4 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Lapham*, Bouverie-st., Paddington, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 1 at 11, before the CHIEF COMMISSIONER.*

*John Wheatley*, Regent-st., Princes-road, Lambeth, Surrey, cab driver.—*Edward Bland Carter*, Lower Tottenham, Middlesex, out of business.

*July 1 at 10, before Mr. Commissioner LAW.*

*Vernon Dolphin*, Upper St. Martin's-lane, Middlesex, gentleman.

*July 2 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Foster*, Dockhead, Bermondsey, Surrey, grocer, and Old-st., St. Luke's, Middlesex, licensed retailer of beer.—*D. Butler*, Adam-st. West, Bryanstone-square, Middlesex, shoemaker.—*J. Bendle*, Acton-st., Gray's-inn-road, Middlesex, tailor.—*Jas. Pickford*, Upper Whitecross-street, St. Luke's, Middlesex, shoe manufacturer.

*July 4 at 10, before Mr. Commissioner LAW.*

*Henry Malpas*, Alfred-st., River-terrace, Islington, Middlesex, clerk to a surveyor.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, July 1 at 10.*

*Wm. Cleary*, Liverpool, oyster dealer.—*William Desville*, Manchester, out of business.—*Thomas Jackson*, Manchester, retail dealer in ale.—*Thos. Schofield*, Wigan, out of business.—*Wm. Airey*, Rochdale, plasterer.—*Jos. Kay Greenhalgh*, Manchester, out of business.—*John Green*, Castleton, near Rochdale, out of business.—*Wm. Tunstall*, Manchester, out of business.—*Thos. Soughton*, Little Bolton, Bolton-le-Moors, out of business.—*John Wolstencroft*, Manchester, grocer.—*John Rawcliffe*, Blackburn, beer seller.—*Edward Robinson*, Hawkhead, painter.—*Thomas Baron*, Manchester, out of business.

*At the County Court of Cornwall, at BODMIN, July 6 at 10.*

*William Care*, Ludgvan, farmer.—*Anne Care*, Ludgvan, farmer.

## TUESDAY, JUNE 21.

## BANKRUPTS.

*THOMAS WATSON*, King's Lynn, Norfolk, merchant, June 29 and Aug. 3 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Jones, Sise-lane, City.—Petition filed June 20.

*ALFRED PINHORN CAPEL*, Witham, Essex, druggist, dealer and chapman, July 2 at 12, and Aug. 12 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Banks & Stevens, Witham, Essex; Stevens & Satchell, 6, Queen-street, Cheapside, London.—Petition filed June 20.

*JOHN SCOTT*, Titchborne-street, Haymarket, Middlesex, hosier and outfitter, dealer and chapman, July 5 and Aug. 1 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Goddard & Eyre, 101, Wood-st., Cheapside, London.—Petition filed June 17.

**RICHARD WILLIAMS**, High-street, New Brentford, Middlesex, boot and shoe maker, dealer and chapman, June 28 at 12, and Aug. 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Buchanan, 8, Basinghall-street, City.—Petition dated June 10.

**WILLIAM WOOD**, Grand Junction-terrace, Edgeware-road, Paddington, Middlesex, stationer, June 28 at 11, and Aug. 13 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Kinsey, 20, Bloomsbury-square.—Petition dated June 18.

**RICHARD PIMM**, Stratford-upon-Avon, Warwickshire, corn and coal dealer, July 2 and Aug. 1 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hobbes & Slatter, Stratford-upon-Avon; Motteram & Knight, Birmingham.—Petition dated June 13.

**JOB BROADHURST**, Longton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer, July 5 and Aug. 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated June 14.

**RICHARD PIKE**, East Stonehouse, Devonshire, butcher, dealer and chapman, July 1 and Aug. 1 at half-past 10, District Court of Bankruptcy, Plymouth: Off. Ass. Hernaman; Sols. Little & Billing, Devonport; Sole & Co., 68, Aldermanbury, London.—Petition filed June 16.

**WILLIAM CONWAY**, Plymouth, Devonshire, builder, July 1 and Aug. 1 at half-past 10, District Court of Bankruptcy, Plymouth: Off. Ass. Hernaman; Sols. Luxmoore, or Gibson & Moore, Plymouth.—Petition filed June 8.

**WILLIAM ELLISON**, Manchester, grocer, dealer and chapman, July 1 and 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Sutton, Manchester.—Petition filed June 13.

#### MARTINGES.

**Abraham Chadwick**, Burnedge, Rochdale, and Fair View, near Littleborough, Lancashire, cotton spinner, July 1 at 12, District Court of Bankruptcy, Manchester, pr. d.—**J. Fell**, New-street, New-road, Hammersmith, and Perceira-place, Shepherd's-bush, Hammersmith, Middlesex, builder, July 2 at 1, Court of Bankruptcy, London, ch. ass.—**Charles D. Gray**, Southampton, grocer, July 4 at 1, Court of Bankruptcy, London, aud. ac.—**Edward Hunt**, King William-st. and Nicholas-lane, Lombard-st., London; Waltham Cross, Hertfordshire; and Cheabunt-terrace and Grange-road, Bermondsey, Surrey, auctioneer, July 4 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. Orchard**, West Smithfield, London, and Hornsey, Middlesex, marquee manufacturer, July 12 at 11, Court of Bankruptcy, London, fin. div.—**Wm. Royston**, Manchester, builder, July 14 at 12, District Court of Bankruptcy, Manchester, div.—**John Law**, Ramsden Wood, near Todmorden, Lancashire, and **Eli Hudson**, Gale, near Littleborough, Lancashire, cotton spinners, July 15 at 12, District Court of Bankruptcy, Manchester, div. sep. est. of **Eli Hudson**.—**Daniel James Field** and **Boulton Molineaux** the younger, Manchester, corn dealers, July 12 at 12, District Court of Bankruptcy, Manchester, div.—**Samuel C. Harrison**, Sunderland-by-the-Sea, Durham, linendraper, July 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**Christian B. Reid**, Newcastle-upon-Tyne, common brewer, July 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**J. Wilkinson**, Brymbo, Denbighshire, ironmaster, July 15 at 11, District Court of Bankruptcy, Liverpool, div.—**John Sherwin**, Liverpool, baker, July 13 at 11, District Court of Bankruptcy, Liverpool, div.—**Alexander Brown** and **Wm. Todd**, Liverpool, provision merchants, July 13 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of **A. Brown**.—**Samuel Clough** and **William T. Clough**, Eccleston, Lancashire, alkali manufacturers, July 13 at 11, District Court of Bankruptcy, Liverpool, div.—**Thomas Evans**, Denbigh, scrivener, July 12 at 11, District Court of Bankruptcy, Liverpool, div.—**Thomas Fildgen**, Liverpool, boot manufacturer, July 12 at 11, District Court of Bankruptcy, Liverpool, fin. div.—**John Mulholland** and **William Mulholland**, Liverpool, merchants, July 12 at 11, District Court of Bankruptcy, Liverpool, div.—**Evan Meredith**, Liverpool, linendraper, July 13 at 11, District Court of Bankruptcy, Liverpool, div.—**Wm. Guy Taylor** and **Elizabeth Guy**, Liverpool, hosiers, July 13 at 11, District Court of Bankruptcy, Liverpool, div.—**Charles T. Dunlevie**, Liverpool, corn factor, July 12 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**John H. Croucher**, Fonthill-place, Clapham-rise, Surrey, boarding-house keeper, July 12 at 12, Court of Bankruptcy, London.—**Donald Sinclair**, Bath-place, Peckham, Surrey, apothecary, July 13 at 2, Court of Bankruptcy, London.—**R. Milner**, Darlington, Durham, timber merchant, July 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**John Taylor**, Newcastle-upon-Tyne, common brewer, July 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—**George Armstrong**, South Shields, Durham, tavern keeper, July 15 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.

*To be granted, unless an Appeal be duly entered.*

**George Hodge**, Ticehurst, Sussex, builder.—**Henry B. Roberts**, Nicholas-lane, London, and Ann-street, Britannia-fields, Middlesex, tailor.—**J. Llewellyn**, Bristol, haberdasher.—**G. Warren** and **N. W. Dobson**, Brotherton, Yorkshire, glass manufacturers.

#### PETITION ANNULLED.

**Augustine Balletti**, West India Dock-road, Limehouse, Middlesex, mahogany merchant.

#### PARTNERSHIP DISSOLVED.

**Henry Stedman** and **John Swayne Place**, Guildhall-chambers, Basinghall-street, London, attornies and solicitors.

#### SCOTCH SEQUESTRATIONS.

**John Smith Aik**, Glasgow, goods finisher.—**John Whamond**, Invergowrie, near Dundee, merchant.—**William Dick Reid**, Dundee, baker.—**The Hon. James Sinclair**, Portobello, Edinburghshire, emigration agent.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Arthur Edwin Smith**, Portsmouth, dyer, July 7 at 11, County Court of Hampshire, at Portsmouth.—**Thomas Leach**, Chesterfield, Derbyshire, dealer in fruit, July 13 at 11, County Court of Derbyshire, at Chesterfield.—**Geo. B. Weeks**, East Malling, Kent, carpenter, July 5 at 12, County Court of Kent, at Maidstone.—**T. Bentley**, Manchester, mechanic, July 11 at 11, County Court of Lancashire, at Manchester.—**James John Holmes**, Hulme, Manchester, clerk in the Engineering Department in the Board of Ordnance, July 11 at half-past 10, County Court of Lancashire, at Manchester.—**Thos. Martin**, New Lenton, Nottinghamshire, out of business, July 7 at 9, County Court of Nottinghamshire, at Nottingham.—**John Everitt**, Great Grimsby, Lincolnshire, farmer, July 13 at 12, County Court of Lincolnshire, at Great Grimsby.—**Leopold Hopfenhaus**, Great Grimsby, Lincolnshire, clerk to a ship-broker, July 13 at 12, County Court of Lincolnshire, at Great Grimsby.—**Thomas Webster**, Ashby-cum-Fenby, near Great Grimsby, Lincolnshire, surgeon, July 13 at 12, County Court of Lincolnshire, at Great Grimsby.—**Edward Eaton**, Newent, Gloucestershire, carpenter, Aug. 11 at 11, County Court of Gloucestershire, at Newent.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 6 at 11, before the CHIEF COMMISSIONER.*

**Geo. Tolkien**, Buckingham-st., Caledonian-road, Islington, Middlesex, music master.

*July 6 at 10, before Mr. Commissioner LAW.*

**Thomas John Burt**, Warrington-street, Oakley-square, St. Pancras, Middlesex, clerk to a perfumer.

*Saturday, June 18.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

**Samuel Bennett**, Ipswich, Suffolk, tailor, No. 76,529 C.; **Henry Melton**, assignee.—**Robert Watson**, Chester-le-Street,

Durham, grocer, No. 74,968 C.; Wm. Waterfall, assignee.—*Henry Woodward*, Chester, butcher, No. 76,273 C.; Samuel Massey and Josiah Wood, assignees.—*Joseph Sutton*, Moston, near Sandbach, Cheshire, power-loom cloth manufacturer, No. 76,396 C.; Abel Heywood, assignee.—*James C. Browne*, Great Yarmouth, Norfolk, publican, No. 76,374 C.; Robert Steward and Isaac R. Bradnack, assignees.—*Wm. Rawlinson*, Hughendon, Buckinghamshire, farmer, No. 76,553 C.; Wm. Bode, assignee.—*Watson Yorke*, Brigstock, near Thrapstone, Northamptonshire, farmer, No. 63,816 C.; Thomas Page, new assignee, Wm. Summas, late assignee, deceased.—*Edwin Ballard*, Tavistock-place, Tavistock-square, St. Pancras, Middlesex, tailor, No. 63,585 T.; Wm. Daniels, assignee.

Saturday, June 18.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*John Lumley*, Victoria-cottages, Old Ford-road, Middlesex, ganger to the St. Katherine's Dock Company: in the Debtors Prison for London and Middlesex.—*John William Carleton*, Warwick-street, Pimlico, Middlesex, author: in the Queen's Prison.—*George Whitfield*, Rosemon-st., Clerkenwell, Middlesex, hatter: in the Debtors Prison for London and Middlesex.—*James Gye*, Sihirian-terrace, Broke-road, Shoreditch, Middlesex, bookseller: in the Debtors Prison for London and Middlesex.—*Edmund John M'Gill*, St. Ann's-terrace, Royal Crescent, Kensington, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Henry Barringer*, East-place, Stockwell, Surrey, plumber: in the Gaol of Surrey.—*T. J. Lugg*, Walton-on-Thames, Surrey, in no trade: in the Queen's Prison.—*John Cadell*, Great Union-street, Southwark, Surrey, general dealer: in the Queen's Prison.—*Jane Trotter*, widow, Seymour-street, Euston-square, Middlesex: in the Debtors Prison for London and Middlesex.—*Charles Seill*, Seymour-place, Camden-town, Middlesex, cheesemonger: in the Queen's Prison.—*Edward Gregory*, Mary-street, Hampstead-road, Middlesex, carver and gilder: in the Debtors Prison for London and Middlesex.—*Malcolm M. Maclean*, Michael's-place, Brompton, Middlesex, in no business: in the Debtors Prison for London and Middlesex.—*Wm. H. Lewis*, Red Lion-square, Middlesex, dealer in jewellery: in the Debtors Prison for London and Middlesex.—*E. B. Greaves*, Uxbridge, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*C. F. Higgins*, Newland-street, Pimlico, Middlesex, in no trade: in the Queen's Prison.—*John Robinson*, Gould-square, Crutched-friars, London, builder: in the Queen's Prison.—*James H. Stride*, May's-buildings, St. Martin's-lane, Middlesex, agent for the sale of Opera tickets: in the Debtors Prison for London and Middlesex.—*Wm. Porter*, Goswell-street, Clerkenwell, Middlesex, retailer of beer: in the Debtors Prison for London and Middlesex.—*John Thos. Davies*, Cambridge-road, Mile-end, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*John Jones*, Gifford-cottage, Whitmore-road, Borton, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Robert Hitchcock*, Sydney-st., Brompton, Middlesex, Master of the Court of Exchequer in Ireland: in the Queen's Prison.—*Wm. Ray*, Church-row, Sutton-st., Commercial-road East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*Ellen M. Wastell*, New Bond-street, Middlesex, spinster: in the Queen's Prison.

(On their own Petitions).

*Wm. Tusnill*, Manchester, out of business: in the Gaol of Lancaster.—*James Leaver*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Buckley*, Halifax, Yorkshire, dyer: in the Gaol of York.—*Edward Kenworthy*, Gatley, Cheshire, out of business: in the Gaol of Derby.—*G. Puck*, Rhydyfych, Llangoedmore, Cardiganshire, master mariner: in the Gaol of Cardigan.—*Samuel Clacherty*, Wolverhampton, Staffordshire, out of business: in the Gaol of Stafford.—*Thomas Smith*, Yeadon, near Leeds, Yorkshire, clothier: in the Gaol of York.—*John Hall*, Hastings, Sussex, victualler: in the Gaol of Dover.—*John Williams*, Liverpool, joiner: in the Gaol of Lancaster.—*Samuel Smith*, St. George, Gloucestershire, assistant to a horse dealer: in the Gaol of Bristol.—*Thomas Prosser*, Crombrane, Llanorechya Upper, Monmouthshire, licensed victualler: in the Gaol of Monmouth.

—*John Jones*, Tregunter, Talgarth, Brecknockshire, farmer: in the Gaol of Brecon.—*Thomas Hayselden*, Brighton, Sussex, builder: in the Gaol of Lewes.—*Wm. Kivrage*, Hove, near Brighton, Sussex, builder: in the Gaol of Lewes.—*George Caldwell*, Gerard's Cross, Chalfont St. Peter, Buckinghamshire, out of business: in the Gaol of Reading.—*Charles Ledger*, Reading, Berkshire, musician: in the Gaol of Reading.—*Wm. Cooper*, Shrewsbury, Shropshire, rope maker: in the Gaol of Shrewsbury.—*Robert Russell*, Gloucester, builder: in the Gaol of Gloucester.—*Wm. Carter*, Burnley, Lancashire, cotton waste dealer: in the Gaol of Lancaster.—*Richard Tucker*, Bridge, Kent, out of business: in the Gaol of Maidstone.—*Henry Hands*, Birmingham, manufacturer of British and electro-plated spoons: in the Gaol of Coventry.—*Edw. Bevan Thomas*, Shrewsbury, Shropshire, out of business: in the Gaol of Shrewsbury.—*W. Trimming Lethbridge*, St. Sidwell, Exeter, general dealer: in the Gaol of Exeter.—*Wm. Parry*, Blaenau, Pehishaw, Brecknockshire, labourer: in the Gaol of Brecon.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

July 5 at 11, before the CHIEF COMMISSIONER.

*Wm. Parker* the younger, De Beauvoir-place, Kingland, Middlesex, auctioneer.

July 6 at 10, before Mr. Commissioner LAW.

*Charles Charlton*, Cumberland-st., Portman-square, Middlesex, out of business.

July 7 at 11, before Mr. Commissioner PHILLIPS.

*John Yonge*, Willow-cottages, Canonbury, Islington, Middlesex, attorney-at-law.—*Wm. Humphries Lewis*, Red Lion-square, Middlesex, commission agent.—*George Wombwell*, Finchley, Middlesex, cattle dealer.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Kent, at MAIDSTONE, July 5 at 12.

*John William Starmer*, New-cross-road, Deptford, out of business.—*C. Weller*, Watlingtonbury, butcher.—*Wm. Webb Owlett*, Milton next Sittingbourne, grocer.

At the County Court of Kent, at DOVER, July 6 at 10.

*John Hall*, Eastwell, Hastings, Sussex, victualler.

At the County Court of Staffordshire, at STAFFORD, July 6 at 11.

*Samuel Clacherty*, Wolverhampton, in no business.

At the County Court of Berkshire, at READING, July 7.

*Charles Ledger*, Reading, musician.

At the same place, at 1.

Rehearing.

*Henry Edward Fardell*, Maidenhead, lieutenant in her Majesty's 9th regiment of foot.

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Middlesex, traveller: 10d. in the pound.—*Wm. Hill*, Liverpool, bookkeeper: 10s. in the pound.—*Wm. Beavington* the younger, Ashby-de-la-Zouch, Leicestershire, chemist: 1s. 8d. in the pound.—*Abraham Sares*, Ashton-under-Lyne, Lancashire, licensed victualler: 2s. 5½d. in the pound.—*J. Nisian Sheraton*, Sunderland, Durham, grocer: 10d. in the pound.—*Robert Pless*, Hyde, Cheshire, tin-plate worker: 1s. 8½d. in the pound.—*Patrick Stewart*, Acre-lane, West Brixton, Surrey, clerk in the Ordnance-office, Pall-mall, Middlesex: 2s. 9d. in the pound.—*Geo. Bilby*, Golden-lane, St. Luke's, Middlesex, parochial schoolmaster: 6½d. in the pound.—*W. Havelock*, East Teignmouth, Devonshire, gentleman: 8s. 3d. in the pound.—*M. E. Collyer*, widow, Jessamine-cottage, Mill-street, Lambeth, Surrey, not in any trade: 13s. 7½d. (making 20s.) in the pound.—*William Corhead*, London-road, Surrey, clock maker: 2½d. in the pound.—*Henry Bouchier*, Winchester-place, Southwark-bridge-road, Surrey, rear-admiral in the Royal Navy: 3s. 6½d. (making 4s. 9d.) in the pound.—*H. Bouchier*, Plymouth, Devonshire, captain in the Royal Navy: 2s. 8d. (making 8s. 0½d.) in the pound.

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# The Jurist

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LONDON, JULY 2, 1853.

In a cause of *Pyrke v. Waddingham* (10 Hare, 1) a question arose, in a suit by a vendor against a purchaser for the specific performance of an agreement for the purchase of an estate, whether the plaintiff had such a title as the Court ought to compel the defendant to accept; and in adjudicating upon this point, the learned Vice-Chancellor, Sir G. J. Turner, took occasion to explain the principle and to state the limits of the well-settled rule, that the Court of Chancery will not compel a purchaser to accept a doubtful title. In the case before the Court, the title to the estate, which formed the subject-matter of the contract, was derived under a will dated in 1752—a century ago—by which the testator, after devising the property in question to his wife for life, gave the same to his nephew A. for life; "and if the said A. should die and leave one or more son or sons, the testator gave his said estate to his, A.'s, eldest and every other sons, the eldest to take before the younger, according to their priority of birth;" and if A. should happen to die and leave no son, the testator, after making a provision for his daughters, if any, gave the estate to B., "upon the same terms and conditions as he had given it to A.;" and if B. should die and leave no son, the testator, after making a provision for his daughters, if any, gave the estate "to the first, second, and other sons of C., upon the same conditions as before mentioned as to A. and B.;" and in case all those sons should die without issue male, then he gave the said estate to the eldest and

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every other son and sons of D. successively, and their heirs for ever. The testator's widow died in 1762. Upon the occasion of A.'s marriage, in 1766, he conveyed the estate to uses in favour of himself for life, with remainder to his intended wife for life, with divers remainders over. By a feoffment and fine levied in 1798, a conveyance of the estate was made to the use of A. in fee, and a recovery suffered in the same year in which the eldest son, who was afterwards the heir-at-law of A., was vouchee, was declared to enure to the use of A. in fee. A. died in 1803, having devised the estate to his wife for life, with remainder to his eldest son in fee. He left five younger sons. In 1806 a recovery suffered of the estate was declared to enure, in the first place, to confirm the life estate of A.'s widow, and, subject thereto, to the use of his eldest son in fee. By a deed executed in the same year, the younger sons of A. released to his eldest son all remainders and other estates, interests, or claims under the will of the original testator. A.'s widow died in 1835, and his eldest son in 1851, having by his will devised the estate to his son (the vendor) in fee. For the plaintiff it was contended that any construction which gave to A. or to any of his sons an estate of inheritance, whether in fee or in tail, or any construction which led to an intestacy, by which the estate would be undisposed of at the plaintiff's death, would give the plaintiff a good title. The defendant submitted that the original testator's will gave an estate for life to A., with remainder to his sons in succession for life, and vested remainders. The Vice-Chancellor expressed his

opinion much in favour of the title, more especially upon the point as to the remainders being contingent, and added—"But I find myself unable to base that opinion upon any general rule of law, or upon any reasoning so conclusive as fully to satisfy my mind that other competent persons may not entertain a different opinion, or that the purchaser, if compelled to take the title, might not be exposed to substantial and not merely idle litigation, or even that he would be free from all possible hazard. Upon these grounds, therefore, I am of opinion that a specific performance ought not in this case to be decreed."

The value of the decision in this case, as a precedent, is considerably increased by the importance of the general observation which the learned judge made upon the principle and limit of the rule, that the Court of Chancery would not force a doubtful title upon a purchaser; to which we now invite the attention of the Profession, and from which it would appear that the principle of the rule is founded upon the right of a purchaser to a marketable title—that is, as the learned judge said, "a title which, as far as its antecedents are concerned, may at all times, and under all circumstances, be forced upon an unwilling purchaser." Having thus stated the principle of the rule, and defined what is a marketable title, the learned judge discussed the question whether the rule under consideration applied only to those cases in which the Court itself entertained doubts upon the title, or whether it extended further to cases in which, although the Court itself might entertain an opinion in favour of the title, it was satisfied that that opinion might fairly and reasonably be questioned by other competent persons; and arrived at the conclusion, upon the authority of several cases which were cited in the judgment, that the rule applied to both classes of cases, and not to the first-mentioned class exclusively—a conclusion which seems to be at once consistent with existing authorities upon the subject, and the soundest principles of justice and reason.

### Reviews.

*Registration of Assurances Bill: its peculiar System and practical Consequences considered.* By JOSEPH THOMAS HUMPHREY, Esq., Barrister at Law. 8vo. pp. 32.

[Stevens & Norton.]

THIS is the first adverse criticism on the Government registration scheme that has been written in a proper spirit. It is perhaps the first that has been written with a clear notion of what the scheme is, and it is certainly the first that has been written fairly and candidly, and not in the spirit of a partisan. Instead of dealing in vague and exaggerated anticipations of expense, trouble, exposure, and mistakes, Mr. Humphrey goes at once into detail, and considers the probable working of the plan in certain special cases, which, in his opinion, would involve consequences that can hardly have been intended or foreseen. We think that Mr. Humphrey has neither given sufficient credit to the foresight of the very able conveyancers, both dead and living, who have been concerned in devising and perfecting the plan, nor estimated at its true value the power proposed to be given to the registrar and judges, of regulating the indexes, and correcting errors and supplying omissions in entries. This power is greatly preferable to minute details in the bill itself.

Objections to the details of the bill must, of course,

be directed to the system of indexing, which is its peculiar feature, and is borrowed from Mr. Duval's plan. The principle of the index is shortly this—an assurance by a grantor who does not derive title either mediately or derivatively under an assurance which has been previously indexed is to be entered in the index of titles under a new head; but an assurance by a grantor who derives title under an assurance which has been previously indexed is to be entered in the index of titles under the same head as such given assurance, or under some other head there referred to. After the registry has been in operation for a very long period, every abstract of title will commence with some registered assurance, but in the meantime it will constantly happen that the abstract commences by shewing in some person a title not under a registered assurance, and the question will then be, under what head in the index to search for possible assurances by such person and those claiming under him, up to the time of the registration of the first registered assurance (if any) disclosed by the abstract. A map index affords the most obvious and perfect solution of this question, and was recommended by the majority of the Registration Commissioners; but a map is not at present to be had, and the substitute in the present bill is an index of the names of grantors in each district into which the country is to be divided for the purposes of registration. In that index the first entry relating to each title is to be made under the name of the grantor in the registered assurance, with a reference to the head in the index of titles under which such assurance and the subsequent dealings with the estate are entered. Then, supposing that the registry is started on the 1st January, 1855, and in 1870 an abstract of title shews that on the 1st January, 1855, John Evans alone had power to make a title, and that in 1868 he conveyed to Thomas Jones by a registered assurance, the index of names of grantors will be searched in the name of John Evans from the commencement to 1868; and if there has been no suppression of any registered document, the only relevant entry found there will be a reference to the head in the index of titles under which the assurance to Jones is entered, and under which all subsequent assurances material to a purchaser are entered. If any registered document has been suppressed, the index of names of grantors will disclose it. If, instead of a clear fee simple in one person, the abstract shews that at the starting of the registry there were several persons, each having some particular estate or interest in or limited power over the property, the index of grantors will (if a suggestion made below as to indexing unregistered settlements and wills is not adopted) be searched in the name of each person who could in any way have dealt with the title. And this leads us to our author's first suggestion, (for he scarcely puts it as an objection), viz. that "since there are cases in which persons having limited interests in land are empowered by public acts of Parliament (as by the Lands Clauses Consolidation Act, 1845, s. 7, or the 1 Will. 4, c. 47, s. 12) to convey the fee and bind all in remainder, it would be necessary, in every case anterior to the entire fee getting upon the index of titles, not to omit to search back in the index of grantors in the name of any person having such limited interest during the period such power might have been exercised by him, although it might be known that by death or otherwise such limited interest had actually determined, since a conveyance of the fee by such person so empowered might, according to the provisions of the bill, be duly registered by an entry in his name alone in the index of grantors." This is no more than is now necessary in Middlesex and Yorkshire. But we anticipate—and we shall presently have to recur to this suggestion—that the registrar will find it expedient, wherever particular or trust estates or interests have been created by any unregis-



tered instrument, (as a settlement or a will), to index that instrument under a separate head in the index of grantors, and to require all assurances by persons claiming under such instrument to be entered under the same head. Multiplicity of searches and omissions in searching will thus be obviated.

Mr. Humphrey anticipates, that as every assurance is to be registered according to derivation of title, investigation of title will become an indispensable preliminary to registration; and he mentions contracts for the purchase of lands, leases, and assignments of leases. But not one purchaser in a thousand would wish to register his contract; and if he did, an abstract would be demanded, and the possibility of an erroneous registration and consequent loss in any one of those few cases may be safely disregarded. With respect to long leases, no doubt, if lessees will not trust to the lessor's honesty in respect of future acts, as they do to his representations of title, they must call for his immediate title. The risk, after all, is this—that the lessee, waiving an investigation of the lessor's immediate title, is misinformed by the lessor's solicitor (who will be responsible for the misstatement) as to the proper mode of registering the lease, and in consequence of such error is evicted. The possibility of a misregistry from such a cause is scarcely conceivable. In almost every case of an unregistered title, an entry in the lessor's name would be the proper entry. Registration of rack-rent leases not exceeding twenty-one years is not required; and in other cases the lessor's title ought to be shewn. If a man sells the fee simple of a little piece of land for 300*l.*, he almost invariably shews his title; and he should do the same when he grants a building lease, upon which several thousands of pounds may be risked.

The registration of decrees or orders in equity affecting lands "would be by deposit of a memorial setting forth the decree or order, and examined therewith by some officer authorised to give out an office copy, and certified by such officer—a provision which would in all cases give to a defendant the opportunity of completely nullifying the decree or order, by selling to a purchaser for valuable consideration, who should register his conveyance during the interval, of longer or shorter duration, according to circumstances, which may necessarily be occupied in getting the decree or order drawn up and finally passed and entered, and in preparing the memorial in the mode directed. But, in addition to that, registration could not be performed when, as would generally happen, the plaintiff did not possess a sufficient knowledge of the defendant's title to enable him to ascertain how it was derived by him. And yet upon the correct registration of the memorial, *with reference to the defendant's derivation of title*, would depend the validity of the decree or order, as against any subsequent assurance by the defendant, well registered."

We think that this is the most obviously untenable of all Mr. Humphrey's objections. When a registry is established, conveyancers, equity draughtsmen, and Courts of equity will of course make the necessary alterations in their practice and proceedings. There is no provision in the act for the registry of lis pendens; consequently, (if the suit is registered under the stat. 2 & 3 Vict. c. 11), up to the time of passing a decree or order, no one can get a title from the defendant without notice of the suit; and with the effect of that notice, up to the time of passing the decree or order, the act will not interfere. An assurance, therefore, executed by the defendant prior to the decree, will confer as infirm a title after the establishment of a registry as it would under the present system. Mr. Humphrey has probably overlooked the terms of the 31st section, which declares the effect of prior registration—"Every assurance by this act authorised to be registered, other than a will, shall (as regards any lands in England to be

affected thereby) be void as against any person claiming for valuable consideration under any subsequent assurance, duly registered, unless the prior assurance have been registered in the manner directed by this act before the registration of the subsequent assurance." Under that enactment a decree cannot be invalidated by a prior assurance; and the very remote danger of the defendant committing a contempt of Court, and getting an adverse assurance registered before the registration of the decree, may be obviated by adopting the practice of issuing an injunction, or a writ in the nature of a distringas, to the registrar before the decree is passed. Then, as to the plaintiff's ignorance of the defendant's title, a suit in equity, prosecuted to a decree having the effect of an assurance, is precisely the case in which either a previous knowledge, or a discovery of the true title, may be most certainly counted on.

It is suggested that mortgages by deposit and other securities taken in the hurry of business could not be depended on without registration, founded on an investigation of the title. The objection is not unfounded, but it is of little importance. A lender taking such a security relies on the character of the borrower. A cursory inspection of the most recent document will in almost every case shew the origin of the title sufficiently for the purposes of registration, or, in the few cases in which the title is not so clear, will shew the necessity of a further investigation; and even in those few cases investigation of title for the purpose of registration would be a much simpler and quicker process than an ordinary investigation for the security of a purchaser or mortgagee; and the objection might be met by a provision which would be available for various useful purposes, namely, making it sufficient, as against persons claiming under assurances by the person on whose application a caveat is entered, or by his heirs or devisees, to index the caveat in the index of judgments, &c. This would cause no inconvenience, as caveats are required to be renewed at short intervals, and would give ample time for an investigation of title when necessary. The registrar might also be authorised to give to any person, though not claiming under a registered assurance, a document having the effect of a certificate of registration, (sect. 52), to be indexed in the index of judgments, &c.

Next, as to the cases in which it is suggested mistakes may occur, though a good title is produced and investigated. The assurance must be indexed according to the way in which the title is derived. Now, in a settlement, an ultimate limitation in fee to the settlor would not give him the fee under the settlement, but he would be in of his old estate, derived possibly under no registered document, in which case an assurance by him should be indexed under a new head, but might by mistake be indexed as derived under the settlement. So, nice questions might arise as to equities of redemption, or under the doctrine of merger, powers, &c.

Here, again, we must ask, what is the value of the objection? The possibility of mistake from inadvertence or want of skill in dealing with real property is unfortunately inseparable from our artificial system of conveyancing, and meets us at every turn; but mistakes of the kind suggested are extremely improbable. The necessity of registering according to the derivation of title would be universally known, and the instructions to be issued by the Registrar-General would point out the rocks and shoals; but cases of doubt or difficulty would be extremely rare, and where they did occur, the advice of the registrar or of counsel would be taken; and the odds against harm being done would be the improbability of the mistake multiplied by the improbability of a subsequent fraudulent and effectual alienation. So, in other cases, where by stipulation the investigation of title is limited, no error can possibly



occur, unless an assurance has been registered, and the choice is to be made between registering the title as derived under such assurance, and registering it as derived under some document registered before the opening of the registry. It is difficult even to imagine a case in which, if any documentary evidence, however limited, were produced, it would not enable a purchaser to register correctly.

We now come to the consideration of assurances of a sweeping character, affecting the whole of the grantor's lands, or otherwise binding land without identifying the parcels, as, assignments for the benefit of creditors, settlements, conveyances on the appointment of new trustees under settlements, &c. We agree with the Registration Commissioners and the Real Property Commissioners in thinking that some restriction on the present power of conveying and charging lands by sweeping description is desirable; but without insisting on that, the suggestion made above as to indexing caveats with judgments, &c., may be referred to as completely providing for such cases. In debtor and creditor transactions a judgment would alone be sufficient security against the consequences of any omission in registration. With respect to marriage settlements, it may deserve consideration whether the index of wills should not be made an index of wills and settlements, or rather, which would diminish the number of searches, whether all assurances capable of having a sweeping operation (including bankruptcies, &c.) should not be indexed together. The difficulty with respect to conveyances on changes of trustees, &c. can only exist where the trustees are entitled under sweeping clauses in settlements or wills, and at the time of the change the particulars of the trust estates are not known—a case which cannot occur very often, and involving little risk when it does occur. It may be perfectly met, however, either by a general index of sweeping and indefinite assurances, or by the adoption of our suggestion, that all assurances by persons deriving title under an unregistered will or settlement should be entered in the index of names of grantors under the head of the will or settlement.

We pass over some further remarks on the registration of decrees in equity, as we have substantially answered them by anticipation. Our suggestion as to the indexing of assurances under unregistered wills and settlements will completely meet Mr. Humphrey's grand objection, that decrees, orders, and acts of Parliament binding the interests of persons unknown or unborn, who may become entitled under contingent or executory limitations, cannot possibly be registered at once and for all time.

Again: we are asked to suppose—"what might be no uncommon case—a subsequent assurance deriving title under a prior assurance, to be first registered by the proper entry in the index of grantors and carried to its head of title, and afterwards the prior assurance to be registered in the index of grantors, and carried, as it must be, to its separate head of title; under which of these two separate heads of title is a third assurance, deriving title under both of them, to be registered?" We differ from Mr. Humphrey, and think that the case of a person taking the precaution of registering his own assurance, without enforcing the prior registration of that under which his grantor claims, (see sect. 24 of the bill), would be extremely uncommon; but it is obvious, that if the case did occur, the registrar would exercise his power of altering the indexes, by consolidating the two heads in the index of titles.

As to evidence of registration. Due proof of the derivation of title "would always be necessary whenever the fact of due registration was litigated or had to be proved. Thus, in order to establish the due registration of a deed, it might be necessary to prove that the grantor in the deed in question was heir to

"the grantee in the deed under which he derived title; and this through several descents, which might be attended with more or less difficulty. That illustration, though a simple one, is sufficient to shew in a strong light the inconvenience of the system in regard to judicial proceedings, when to prove the mere fact of due registration would require nothing short of *'all the evidence, documentary or otherwise, necessary to establish the derivation of title.'*"

We almost doubt whether we should formally answer an objection so trifling and so little in keeping with the rest of the pamphlet. If the registry in any degree answers the expectations of its contrivers, there will scarcely ever be such a thing as a contest on the question of registration, between two persons, each claiming under a registered document; and we may with good consciences leave the fates to settle the quantum of evidence to be called for when such a question arises. The reported cases on points of all kinds, under the local acts from the time of Queen Anne, do not exceed thirty, and those on the Irish Act are very few; and it must be observed, that if a contest of the kind suggested should arise, the claimant under the instrument last registered would have to make out his case.

We have now gone through all Mr. Humphrey's objections founded on the presumed working of the principle of the bill, and we think the result entitles us to point to his pamphlet as a valuable testimony to the soundness of the plan and the completeness of the bill; for no one who reads the pamphlet will fail to perceive in it signs of care, learning, and acuteness sufficient to have led its author to the detection of any serious defect in the bill, if such had existed.

Mr. Humphrey concludes with some miscellaneous suggestions on matters of detail. He thinks, and we agree with him, that a stranger should not have power to register an equitable mortgage without producing a memorandum signed by the mortgagor.

We do not share in Mr. Humphrey's apprehension of mischief from the sanction given by the bill to agreements for the mere registry of declarations of trust or other documents. It is not to be expected that such agreements will be entered into without due consideration; and the power of entering inhibitions seems to be sufficient to obviate any inconvenience that might otherwise result from an inconsiderate agreement not to register. Still less do we fear mischief from the provision for issuing certificates of registration, (sect. 52), intended merely to facilitate secret equitable mortgages, but which might, Mr. Humphrey fears, "enable parties almost entirely to elude the main object of the act, by dealing with such certificates of registration for other purposes than those intended, and making them subservient to the protection of any unregistered assurance." Why not? How could such a dealing be an evasion of the act, of which the main object is—not registration, but—protection? It would be the beginning of Mr. Wilson's excellent plan.

We shall not re-open the discussion of the distinction between notice and fraud. Mr. Humphrey is an advocate for a registry of some kind; and no registry can be established to any purpose without abolishing the doctrine of notice, leaving questions of fraud open. Has he forgotten the Ship Registry Acts?

We have no space to enter into the question of caveats. Mr. Humphrey seems to have overlooked the provision for the frequent renewal of caveats.

Mr. Humphrey asks, "whether there be any good reason for abolishing the protection of the legal estate, and tacking, as between unregistered assurances, and as regards copyholds and other lands exempted from the act?" We think there is, but have not room to discuss the question.

G. S.

## Correspondence.

We have received the following communication from the learned author of the pamphlet on the "Cost-book System:"—

Mr. Joseph N. Higgins presents his compliments to the Editor of THE JURIST. Referring to the note appended to the very fair and liberal review of his pamphlet on "The Gold Companies," &c., in to-day's JURIST, in which it is said, that what purports to be a second edition is not even a reprint of the first, Mr. Higgins begs he may be excused for mentioning, that whatever little claim it may have to the honours of a second edition, it is, at all events, a reprint, as may be seen from two or three trifling differences in the copies sent herewith. He believes there are a few others which he cannot turn to at the present moment.

Mr. Higgins fears that the note may be by some supposed to be an imputation, and that is the only ground on which he thinks himself justified in advertising to a statement in a review. It appears to insinuate a species of chicanery or misrepresentation, which Mr. H. feels assured the Editor of THE JURIST had no desire to suggest, and which is wholly unfounded on fact.

77, Chancery-lane, June 25, 1853.

[We *did* intend by our note to suggest misrepresentation, and are sorry that we did not more distinctly express our meaning, which was, to censure the publisher, and the publisher only. We had not, and have not, the slightest suspicion that Mr. Higgins was cognizant of the misrepresentation. He is mistaken in supposing that his second edition is a reprint of the first. It is printed from the original forms, with a few corrections of typographical errors that appear in the earlier copies, and the removal of a few battered letters and "wrong founts." But enough of those tell-tales remain to confirm our inference from the general identity of the lines and pages in the two editions that both have proceeded from the same setting up. A "new edition," however, means, not merely a reprint, but a reprint with alterations. If Mr. Higgins has been charged by his publisher for a reprint, we advise him to look to it.—Ed.]

## London Gazette.

FRIDAY, JUNE 24.  
BANKRUPTS.

LUIGI BAREGGI, FRANCESCO FORZANO, and BASSANO BERGAMASCHI, Greville-street, Hatton-garden, Middlesex, wood carvers and modellers, dealers and chapmen, July 1 at 11, and Aug. 3 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Abrahams, 23, Southampton-buildings, Holborn.—Petition filed June 15.

LOUISA FOSTER, Paignton, Devonshire, linendraper, July 5 and Aug. 2 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed June 18.

WILLIAM RILEY, St. Helen's, Lancashire, glass manufacturer, dealer and chapman, July 7 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Taylor, St. Helen's; Banner, Liverpool.—Petition filed June 22.

JOHN KNIGHT, Spotland, Rochdale, Lancashire, formerly of Thorn Lee Brook, near Oldham, (trading in copartnership with John Thomasson, under the firm of John Knight & Co.), bleacher, dealer and chapman, July 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Lord, Rochdale.—Petition filed June 22.

FRANCIS ROBINSON, Manchester, publican, July 8 and 29 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Heath, Manchester.—Petition filed June 22.

BOGOS MIRASYEDI, Manchester, merchant, dealer and chapman, July 7 and 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Hampson & Sons, Manchester.—Petition filed May 28.

## MEETINGS.

Henry M. Morgan, Reading, Berkshire, shipowner, July 13 at 2, Court of Bankruptcy, London, last ex.—W. Scales, Whitehill Paper Mill, near Chester-le-Street, Durham, paper manufacturer, Aug. 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—John Belbin, Beaumont-st., St. Marylebone, Middlesex, coach builder, July 13 at 12, Court of Bankruptcy, London, aud. ac.—W. S. Oake, Longfleet, Poole, painter, July 15 at 12, Court of Bankruptcy, London, aud. ac.—W. Winch, Fountain-court, Strand, Middlesex, licensed victualler, July 6 at 2, Court of Bankruptcy, London, aud. ac.—Alexander Jacobs, Moorgate-street, London, and Torquay, Devonshire, builder, July 14 at 12, Court of Bankruptcy, London, aud. ac.—L. F. Bellof, Old Jewry-chambers, London, merchant, July 21 at 1, Court of Bankruptcy, London, aud. ac.—W. Royston, Manchester, builder, July 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.—John Law, Ramsden Wood, near Todmorden, Lancashire, and Eli Hudson, Gale, near Littleborough, Lancashire, cotton spinners, July 8 at 12, District Court of Bankruptcy, Manchester, aud. ac. sep. est. of Eli Hudson.—Holt Taylor, Waterfoot, near Newchurch, Lancashire, coal dealer, July 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 21 at 12, div.—Henry Carrington, Mile-end, near Stockport, Cheshire, nurseryman, July 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 21 at 12, div.—Samuel Stead, Bradford, Yorkshire, druggist, July 5 at half-past 12, District Court of Bankruptcy, Leeds, aud. ac.—Hugh Parker, Offley Shore, John Brewin, and John Rodgers, Sheffield, Yorkshire, bankers, July 16 at 10, District Court of Bankruptcy, Sheffield, aud. ac. and div. sep. est. of O. Shore.—C. B. Reid, Newcastle-upon-Tyne, common brewer, July 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Samuel Cole Harrison, Sunderland-by-the-Sea, Durham, linendraper, July 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—James Duggan, Maryport, Cumberland, draper, July 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Wm. Shaw, Lincoln, bookseller, July 21 at 1, Court of Bankruptcy, London, div.—John Brooks, Eling, Southampton, coal merchant, July 19 at 11, Court of Bankruptcy, London, div.—Samuel Edwards, Broadway, Deptford, Kent, linendraper, July 19 at 11, Court of Bankruptcy, London, div.—Wm. Tew, Halifax, Yorkshire, corn dealer, July 25 at half-past 11, District Court of Bankruptcy, Leeds, div.—Richard Dunn and Richard Dacre Dunn, Wakefield, Yorkshire, corn factors, July 25 at 1, District Court of Bankruptcy, Leeds, fin. div.—Robert Campion and John Campion, Whitby, Yorkshire, bankers, July 26 at 11, District Court of Bankruptcy, Leeds, fin. div. sep. est. of R. Campion.—John T. Peacock, Sheffield, Yorkshire, cutler, July 16 at 10, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Wm. Shaw, Lincoln, bookseller, July 21 at 1, Court of Bankruptcy, London.—William Colman, Chesterford, Essex, horse dealer, July 21 at 12, Court of Bankruptcy, London.—John Preston, King's Arms-yard, Moorgate-st., London, woollen warehouseman, July 19 at 1, Court of Bankruptcy, London.—Francis Rolfe, Great Marlborough-st., Middlesex, tailor, July 15 at 12, Court of Bankruptcy, London.—Thomas M. Bowden, Old Brentford, Middlesex, basket maker, July 16 at half-past 11, Court of Bankruptcy, London.—Benjamin Bunting the elder, Benjamin Bunting the younger, and Robert Durrant, Norwich, tallowchandlers, July 15 at 12, Court of Bankruptcy, London.—Wm. Reading, Charles-street West, Paddington, Middlesex, builder, July 15 at 11, Court of Bankruptcy, London.—R. Willmott, Peterborough, Northamptonshire, tailor, July 15 at 12, Court of Bankruptcy, London.—Wm. S. Oake, Longfleet, Poole, painter, July 15 at 12, Court of Bankruptcy, London.—Andrew C. Larkan, Silver-street and King-street, Greenwich, Kent, coffee-house keeper, July 15 at 11, Court of Bankruptcy, London.—Henry Carrington, Mile-end, near Stockport, Cheshire, nurseryman, July 15 at 12, District Court of Bankruptcy, Manchester.—

**Thomas Gledhill**, Halifax, Yorkshire, tailor, July 25 at 12, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

**Numa Berton**, Princes-street, Hanover-square, Middlesex, tailor.—**Wm. Booth**, Morpeth-terrace, Hackney-road, Middlesex, iron merchant.—**John Hunt**, Edgeware-road, Middlesex, draper.—**Miles Sumner**, Liverpool, brewer.—**Wm. Lloyd Marshall**, Almondbury, Yorkshire, common brewer.

#### PETITION SUPERSEDED.

**Robert Horner**, Pall-mall, Middlesex, licensed victualler.

#### PARTNERSHIP DISSOLVED.

**Wm. Cox** and **Matthew W. Taylor**, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**John Grant**, Edinburgh, merchant.—**Charles Forbes** and **George Wilson**, Edinburgh, booksellers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Eliza Ashwin**, Evesham, Worcestershire, milliner, July 15 at 9, County Court of Worcestershire, at Evesham.—**Watkin Morgan**, Blania, Monmouthshire, carpenter, July 8 at 10, County Court of Monmouthshire, at Tredegar.—**Lewis Lewis**, Bedwelty, Monmouthshire, grocer, July 8 at 10, County Court of Monmouthshire, at Tredegar.—**William Newland**, Brighton, Sussex, carpenter, July 2 at 10, County Court of Sussex, at Brighton.—**Peter Ward**, Hensfield, Sussex, gunsmith, July 2 at 10, County Court of Sussex, at Brighton.—**Henry J. Webb**, Overton, Southampton, dealer in coal, July 5 at 11, County Court of Hampshire, at Andover.—**William Parker**, Codnor, Heanor, Derbyshire, shopkeeper, July 9 at 10, County Court of Derbyshire, at Alfreton.—**Richard Inman**, Bradley Mills, Elland, Halifax, Yorkshire, canvasser for periodical publications, July 7 at 10, County Court of Yorkshire, at Huddersfield.—**Thomas Follows**, East Leake, Nottinghamshire, cordwainer, July 11 at 10, County Court of Leicestershire, at Loughborough.—**W. Masters**, Saddleworth, Yorkshire, auctioneer, July 16 at 11, County Court of Yorkshire, at Saddleworth.—**John Lewis**, Macclesfield, Prestbury, Cheshire, grocer, July 14 at 11, County Court of Cheshire, at Macclesfield.—**D. Cain**, Dunstable, Bedfordshire, out of business, June 28 at 11, County Court of Bedfordshire, at Luton.—**Samuel Barnes**, Ilminster, Somersetshire, tailor, July 18 at 10, County Court of Monmouthshire, at Abergavenny.—**David Stevens**, Grantham, Lincolnshire, watchmaker, Aug. 17 at 10, County Court of Lincolnshire, at Grantham.—**William Hill**, Hemel Hempstead, Hertfordshire, tailor, June 29 at half-past 10, County Court of Hertfordshire, at St. Albans.—**Benjamin Clothier**, St. Albans, Hertfordshire, baker, June 29 at half-past 10, County Court of Hertfordshire, at St. Albans.—**John Willcos**, Worcester, grocer, July 13 at 10, County Court of Worcestershire, at Worcester.—**Christopher Burton**, Selby, Yorkshire, grocer, July 7 at 10, County Court of Yorkshire, at Selby.—**Joseph Lupton**, York, butcher, July 18 at 10, County Court of Yorkshire, at York.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 7 at 10, before Mr. Commissioner LAW.*

**George Horne**, Plumstead, Kent, greengrocer.

*July 8 at 11, before Mr. Commissioner PHILLIPS.*

**William Marlow**, Long-lane, Bermondsey, Surrey, greengrocer.—**John Long**, Weymouth-terrace, Hackney-road, Middlesex, sergeant in the N division of the Metropolitan Police Force.—**John Eagle**, Mason-street, New-cross, Deptford, Surrey, omnibus proprietor.

*July 11 at 10, before Mr. Commissioner LAW.*

**Henry Latimer**, High-street, Whitechapel, Middlesex, pork butcher.—**George Burfield**, Lewisham-road, Greenwich, Kent, and Willis-street, Poplar New-town, Middlesex, carpenter.—**John Beauchamp** the younger, High-street, Hounslow, Middlesex, bricklayer.

*July 11 at 11, before Mr. Commissioner PHILLIPS.*

**Ann Tilly**, Duke-street, Westminster, Middlesex, boarding-

house keeper.—**Jas. Eliza**, Abbey-street, Bermondsey-street, Bermondsey, Surrey, coach carver.

*Wednesday, June 22.*

*An Assignee has been appointed in the following Case. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**John Spencer**, Fulledge, Burnley, Lancashire, out of business, No. 76,370 C.; William Parker, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 8 at 11, before the CHIEF COMMISSIONER.*

**H. D. King**, Ely-place, Ball's-pond, Islington, Middlesex, corn chandler.—**John W. Carleton**, Warwick-street, Fimlin, Middlesex, editor of the Sporting Review.

*July 8 at 10, before Mr. Commissioner LAW.*

**Wm. A. Folkard**, Albion-street, Regent-street, Bow-road, Middlesex, draughtsman.—**D. Ensoe**, Pancras-lane, Bucklersbury, London, general dealer.

*July 11 at 10, before Mr. Commissioner LAW.*

**John A. Loudon**, Commercial-road, Lambeth, Surrey, assistant to a lighterman.

*July 11 at 10, before Mr. Commissioner LAW.*

**Charles Savill**, Seymour-place, Camden-town, Middlesex, cheesemonger.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Durham, at DURHAM, July 8.*

**John Johnson**, South Shields, common brewer.—**George Southern**, Haswell, draper.

*At the County Court of Sussex, at LEWES, July 12.*

**John Farley**, Brighton, licensed victualler.—**T. Hayselden**, Brighton, grocer.—**S. R. Toms**, Brighton, wine merchant.

*At the County Court of Gloucestershire, at BRISTOL, July 20 at 11.*

**Samuel Smith**, St. George, horse dealer.

## TUESDAY, JUNE 28.

### BANKRUPTS.

**THOMAS CHIVERS**, Pavement, Moorfields, London, licensed victualler, July 8 at half-past 11, and Aug. 12 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Martineau & Reid, 2, Raymond-buildings, Gray's-inn.—Petition filed June 24.

**WILLIAM PEGLER**, James-place, Gloucester-terrace, Paddington, Middlesex, job master, July 7 at half-past 2, and Aug. 8 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Turner, 10, King's-row, Walworth, Surrey.—Petition filed June 24.

**GEORGE HARRISON**, Maidstone, Kent, coal merchant, July 11 at 2, and Aug. 8 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Morgan, Maidstone, Kent; Nicholls & Doyle, 2, Verulam-buildings, Gray's-inn, London.—Petition filed June 27.

**JOHN BLOOMFIELD**, Saxted, Suffolk, licensed victualler and horse dealer, July 9 at 12, and Aug. 27 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Taylor, Norwich; White & Borritt, 10, Whitehall-place.—Petition dated June 18.

### MEETINGS.

**James Robinson**, Tideswell, Derbyshire, cornfactor, July 23 at 10, District Court of Bankruptcy, Sheffield, last ex.—**Thos. Dallaston Stearn**, Ipswich, Suffolk, plumber, July 11 at 12, Court of Bankruptcy, London, aud. ac.—**John Honour Croucher**, Fonthill-place, Clapham-rise, Surrey, boarding-house keeper, July 12 at 12, Court of Bankruptcy, London, aud. ac.—**John Wilkinson**, Brymbo, Denbighshire, ironmaster, July 8 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Francis Lewin**, Ragland, Monmouthshire, engineer, July 22 at 12, District Court of Bankruptcy, Bristol, div.—**J. K. Winterbottom**, Heaton Norris, Manchester, banker, July 22 at 12, District Court of Bankruptcy, Manchester, div.—**J. S. Daintry** and **John Ryle**, Manchester, bankers, July 22 at 12, District Court of Bankruptcy, Manchester, div.—**John Shid-**

more, Sutton, near Macclesfield, Cheshire, paste-board manufacturer, July 20 at 12, District Court of Bankruptcy, Manchester, div.—*John Earp*, Uttoxeter, Staffordshire, brewer, July 16 at 10, District Court of Bankruptcy, Birmingham, div.—*Joseph Winter*, Holborn-hill, London, clothier, July 9 at 12, Court of Bankruptcy, London, sud. ac.; July 23 at 12, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Ballard*, Southwick-place, Paddington, Middlesex, apothecary, July 16 at 12, Court of Bankruptcy, London.—*Lewis Worms* and *Matthew Worms*, Queen-street, Cheap-side, London, merchants, July 20 at 12, Court of Bankruptcy, London.—*James Burgess*, Over Tabley, Cheshire, contractor, July 21 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Wm. Crowley*, Newport Pagnell, Buckinghamshire, wheelwright.—*Joseph Nicholson*, Jenkin Cragg, Scalthwaiterigg Bay, Kendal, Westmoreland, drover.—*Thomas W. Johnson*, Stockport, Cheshire, publican.—*John Scott*, Nottingham, grocer.—*W. Marson*, Wolverhampton, Staffordshire, draper.—*Edward Goldsmith*, Nottingham, tailor.

#### FIAT ANNULLED.

*Wm. Underwood*, High-street, Southwark, Surrey, grocer.

#### PARTNERSHIP DISSOLVED.

*James Gay Hiern* and *Everard Mylne*, Stafford, attorneys-at-law, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*Alexander Manuel*, deceased, Glasgow, mason.—*Miss Jean Fadley*, deceased, Dumfries.—*James M' Laren*, Edinburgh, hotel keeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Perkins*, Liverpool, lodging-house keeper, July 4 at 10, County Court of Lancashire, at Liverpool.—*John Birmingham*, Paradox, Nottinghamshire, farm bailiff, July 8 at 9, County Court of Nottinghamshire, at Newark.—*Wm. Walton*, Halifax, Yorkshire, joiner, July 8 at 10, County Court of Yorkshire, at Halifax.—*Thomas Nicholls*, Holbeach Marsh, Holbeach, Lincolnshire, blacksmith, July 28 at 10, County Court of Lincolnshire, at Holbeach.—*T. Underwood*, Preston, Lancashire, out of business, July 18 at 10, County Court of Lancashire, at Preston.—*William Bades*, Ridgway Fishponds, Stapleton, Gloucestershire, assistant to a farmer, July 27 at 11, County Court of Gloucestershire, at Bristol.—*Frederick Wm. Bush*, Bristol, millwright, July 27 at 11, County Court of Gloucestershire, at Bristol.—*Arthur Philip Nicholson*, Fareham, Southampton, mail contractor, Aug. 13 at 11, County Court of Hampshire, at Portsmouth.—*Henry Bradbeer*, Frant, Sussex, plasterer, July 14 at 10, County Court of Kent, at Tunbridge Wells.—*James Teece*, Dawley, Shropshire, tailor, July 16 at 10, County Court of Shropshire, at Madeley.—*Robert Comer*, Castleacre, Norfolk, tea dealer, July 13 at 3, County Court of Norfolk, at King's Lynn.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 13 at 11, before the CHIEF COMMISSIONER.*

*Robert A. S. Smith*, Clapton-square, Hackney, Middlesex, clerk to a barrister.—*John Buff*, Millbank-st., Westminster, Middlesex, lodging-house keeper.—*R. Hannah* the younger, Orchard-street, Kentish-town, Middlesex, tailor.

*July 13 at 10, before Mr. Commissioner LAW.*

*Wm. G. Lang*, De Beauvoir-grove, King'sland, Middlesex, merchant's clerk.

*Saturday, June 25.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Thomas Chapman*, Birmingham, grocer, No. 76,575 C.; J. Brook, assignee.—*Joseph Genetone*, Cardiff, Glamorganshire,

ironmonger, No. 74,953 C.; Samuel Booth and Hans Sloane, assignees.

*Saturday, June 25.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*Wm. Alderman*, Mount Pleasant-lane, Middlesex, labourer in husbandry: in the Debtors Prison for London and Middlesex.—*John Gyles*, Barnsbury-grove, Barnsbury-park, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*Robert Duffell*, Vauxhall-street, Upper Kennington-lane, Lambeth, Surrey, lamp contractor: in the Gaol of Surrey.—*John Pike*, Rushton-st., Hoxton, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*Carl F. T. M. Reuter*, Lee, Kent, foreign merchant: in the Debtors Prison for London and Middlesex.—*Nathaniel Jones Woolley*, Subsex-st., Wandsworth, Surrey, out of employ: in the Debtors Prison for London and Middlesex.—*C. Stoddart*, Smith-st., Jubilee-st., Mile-end, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—*William Allers*, Essex-street, Globe-fields, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*Henry Horsford*, Marlborough-road, Old Kent-road, Surrey, cutter to tailors: in the Debtors Prison for London and Middlesex.—*J. Dexter*, Montague-st., Whitechapel, Middlesex, ostler: in the Debtors Prison for London and Middlesex.—*John Thomas Dickens*, Woolwich, Kent, grocer and tea dealer: in the Debtors Prison for London and Middlesex.—*Richard Dwan*, Duke-street, Westminster, Middlesex, barrister-at-law: in the Debtors Prison for London and Middlesex.—*Wm. Davis*, Red Lion-street, Spitalfields, Middlesex, potato salesman: in the Debtors Prison for London and Middlesex.—*Abraham Bayford*, Cumberland-row, King's-cross, Middlesex, betting-office keeper: in the Debtors Prison for London and Middlesex.—*Wm. Wilson*, William-street, Park-road, Upper Holloway, Middlesex, commercial traveller: in the Debtors Prison for London and Middlesex.—*George Strutt*, Henry-street, Brixton-road, Surrey, builder: in the Gaol of Surrey.—*R. Armstrong*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Whitworth*, Manchester, out of business: in the Gaol of Lancaster.—*Wm. S. Cooley*, Snelinton, Nottinghamshire, dealer in starch: in the Gaol of Nottingham.—*George Plant*, Burslem, Staffordshire, potter: in the Gaol of Stafford.—*Benjamin Bradley*, Dawley, Shropshire, labourer: in the Gaol of Shrewsbury.—*Wm. Ward*, Wolverhampton, Staffordshire, out of business: in the Gaol of Stafford.—*Wm. H. Johnson*, Birmingham, harness maker: in the Gaol of Coventry.—*Joseph F. Taylor*, Ipswich, Suffolk, shoemaker: in the Gaol of Ipswich.—*William Brown*, Leeds, Yorkshire, shopkeeper: in the Gaol of York.—*Benjamin Dean*, Padsey, near Leeds, Yorkshire, cattle drover: in the Gaol of York.—*John S. Addymen*, Leeds, Yorkshire, bookkeeper: in the Gaol of York.—*John Rowlandsen*, Furston, Jaglin, near Pontefract, Yorkshire, out of business: in the Gaol of York.—*Joseph Booth*, Lightcliffe, near Halifax, Yorkshire, stonemason: in the Gaol of York.—*John Chapman*, Wakefield, Yorkshire, smallware dealer: in the Gaol of York.—*John Schofield*, The Cliff, Wooldale, near Holmfirth, Yorkshire, woollen manufacturer: in the Gaol of York.—*W. Fuhwell* the elder, Coventry, Warwickshire, baker: in the Gaol of Coventry.—*T. Cookson*, Elland, near Halifax, Yorkshire, weaver: in the Gaol of York.—*Wm. Singleton*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*J. Wismall* the younger, Cumhampton, Ombersley, Worcestershire, out of business: in the Gaol of Worcester.—*Joseph Shephard*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*F. Liffen*, Liverpool, ship chandler: in the Gaol of Lancaster.—*William Prince*, Glossop, Derbyshire, retail dealer in ale: in the Gaol of Lancaster.—*J. Daffry*, Mumps, Oldham, Lancashire, letter-press printer: in the Gaol of Lancaster.—*Wm. P. Whewell*, Preston, Lancashire, brush-maker: in the Gaol of Lancaster.—*George W. Heep*, Godley-green, near Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*Joseph Charles Edwards*, Keyingham, near Hull, Yorkshire, clerk in holy orders: in the Gaol of York.—*William Screeston*, Halifax, Yorkshire, tailor: in the Gaol of York.—*John Goddard*, Lyncombe and Widcombe, Bath, Somersetshire, butcher: in the Gaol of Wilton.—*John Swett*, Bath, Somersetshire, quarryman: in the Gaol of Wilton.—*Jas. Soden*, Birmingham, time keeper: in the Gaol of Warwick.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 12 at 11, before the CHIEF COMMISSIONER.*

*Thos. Hind, Aldenham-terrace, St. Pancras-road, Middlesex, builder.*

*July 14 at 11, before Mr. Commissioner PHILLIPS.*

*James Gye, Silurian-terrace, Broke-road, Shoreditch, Middlesex, bookseller.—John T. Davies, Cambridge-road, Mile-end, Middlesex, grocer.*

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Denbighshire, at RUTHIN, July 15 at 11.*

*Robert Davies, St. Asaph, Flintshire, innkeeper.*

[From the Dublin Gazette of June 14, 1853.]

#### COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoner is ordered to be brought up before the Court, at the Court House, Dublin, July 6 at 11, to be dealt with according to the Statutes.*

*Wm. Harding Ryves, Merrion-square, Dublin, gentleman.*

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LONDON, JULY 9, 1853.

In dealing with the subject of evidence, the Common-law Commissioners have adopted the most liberal views which have been floating about the minds of the public, and of a portion of the Profession, since the time when Jeremy Bentham called serious attention to the subject. There is no branch of our laws more interesting or more important than that which relates to the discovery of truth, and there is not one in which more substantial reforms have been effected of late years. Arbitrary impediments to the admission of documentary evidence, and to the extraction of truth from the mouths of witnesses, have been, or are in a fair way of being, removed. The distinction which exists between the admissibility and the credibility of evidence is recognised and acted upon. But a short time ago witnesses were excluded on the grounds of interest and of crime: now these form objections only to their credibility; the very parties to a suit are witnesses; while it is proposed to examine husband and wife for and against each other, except as to communications between them. The sole causes of incompetency which now remain are from defect of understanding and of religious principle. A curious illustration of the tendency, in modern times, to narrow rather than to extend the former ground of exclusion was afforded by the case of *Reg. v. Hill*, (15 Jur., part 1, p. 470), in which the Court held a lunatic to be a competent witness to speak to those matters to which his delusion did not extend.

VOL. XVII.

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With reference to the religious sanction, at present, evidence is received only upon oath or affirmation, and a witness, on presenting himself, may be asked whether he believes in a state of reward and punishment; if he answer in the negative, he is excluded from giving evidence. The Commissioners are averse to the abolition of judicial oaths, but think that an individual, refusing from conscientious motives to be sworn, should be allowed to affirm, although he may not belong to the Quakers, the Moravians, or the Separatists, (to whom the exception is at present limited), provided that the judge is satisfied of the sincerity of the objection. At present he may be committed, and the party calling him be deprived of his evidence. "In principle, there does not appear to be any reason why the same regard which is had to the scruples of a body of persons should not be extended to those of an individual. The only difficulty arises from the danger of abuse; religious scruples might be simulated for the particular occasion, in order to enable the witness to give false testimony, without committing, as he might suppose, the sin of perjury. But we think there are very few minds to which such a distinction would suggest itself, and a person capable of resorting to such a subterfuge would probably not be very scrupulous as to deposing falsely under the sanction of an oath." Upon the more general branch of this question, the Commissioners doubt whether the religious sanction should be made the indispensable condition of testimony in cases where that sanction is admitted to have no existence; and although they have been unable to agree in any



recommendation on this point, they state the strongest reasons for relaxing the rule. They put the following case:—"A witness is produced whose testimony is essential to one of the parties to the suit. He is examined as to his religious belief, and at once admits that he has no belief in a state of rewards and punishments. As the rule now stands, he would be excluded, yet his disbelief is not the fault of the party calling him, and to whom his testimony is essential. *The penalty of the unbelief of the witness is paid, not by himself, but by the innocent suitor.* Under these circumstances, it has been argued, that though the evidence, if received, would be wanting in the important sanction of religion, it would, on the other hand, still possess the not inefficacious sanctions of morality and law, and there would be the additional security for truth arising from the admission itself, on which the witness is now excluded; for it is said that nothing but a sense of truth would induce a man to admit, in a court of justice, a disbelief which must render him odious in the eyes of the mass of his fellow-men."

As we enlarge the sphere of admissibility of evidence, it becomes essential, at all events, not to narrow the tests of its credibility; and it was upon this, among other reasons, that we strongly objected to the decision of the Court of Common Pleas in *Macdonnell v. Evans*, (see 16 Jur., part 2, p. 21), which was professedly founded on the rule in *The Queen's case*, namely, that when a witness is asked, in cross-examination, concerning statements which have been made by him, if they are contained in a letter or other writing, the cross-examining counsel must produce the document as his evidence, and have it read, in order to found any questions to the witness upon it. The learned Commissioners notice this rule, and recommend a contrary course, with the limitations, that *if it is intended to contradict the witness by the writing*, his attention should, before doing so, be called to those parts which are to be used for that purpose; and also, that the judge, if he deem right, may require the writing to be produced for his inspection, to be dealt with by him as he thinks fit. The effect of this alteration will be to allow a cross-examination of a witness as to matter contained in his depositions, without first putting them in, or making them a part of the prisoner's case—a most salutary alteration, which will tend greatly to a full elucidation of all the facts, and to the protection of innocence.

In the cross-examination of an adverse witness, he is often asked whether he has not made statements different from those to which he has deposed in court. If these statements were verbal, and relevant to the subject-matter of the cause, and the witness, having been cross-examined concerning them, so as to afford him an opportunity of explanation, *denies* having made them, evidence may be adduced to prove that he did make them; but it is doubtful whether this can be done if the witness neither denies nor admits the statement—as if he says he does not recollect having made them, or the like. (See *Crowley v. Page*, 7 Car. & P. 791; *Pain v. Beeston*, 1 Moo. & R. 20; and *Long v. Hitchcock*, 9 Car. & P. 819). The Commissioners think that such contradictory evidence should be admitted in both cases.

The question, how far a party may discredit his own

witness who unexpectedly turns against him, is one of considerable moment in the conduct of a trial. The party is, of course, not precluded from shewing, by other testimony, what the witness has negatived; but the weight of authority tends to establish that he shall not be allowed to discredit the witness, either by impeaching his character, or by proving that he has made previous statements at variance with those which he has made in the witness-box. The arguments against this ruling, to its full extent, are ably put in 2 Ph. Ev. 525, last ed.; and we may observe, that very many of the suggestions on this and other questions in that excellent work are fully adopted by the learned Commissioners. Their own recommendation is, that the party should be permitted to prove that the witness has made opposite statements, but that, having presented a witness to the jury as worthy of credit, he ought not to be allowed to impeach his character by general evidence.

Another test of the veracity of a witness is to be found in his general character. The law of England protects a witness from answering any question (which, however, may be put to him) where the answer will tend to subject him to a criminal prosecution, a penalty, or a forfeiture. So, with regard to questions which tend to degrade his character, by imputing to him misconduct, not amounting to legal crime, he is protected from answering, according to the better authorities, unless the misconduct has reference to the cause itself. If he does answer, and denies the imputation, his denial is conclusive, and cannot be controverted. The Commissioners recommend that the existing law in this respect should be maintained, except that where the question relates to the conviction of the witness of perjury, or any other form of the crimen falsi, and the witness denies the fact or refuses to answer, the conviction should be allowed to be proved.

#### STROUGHILL v. ANSTEY, AND FORBES v. PEACOCK.

IN *Stroughill v. Anstey* (16 Jur., part 1, p. 671; 1 De G., Mac., & G. 635) a testator appointed three persons his executors, gave them a house in Montague-street in trust for his wife's residence during her widowhood, and then for sale, and gave them the residue of his personal estate, and directed them, and the survivors and survivor of them, his executors and administrators, or other the trustees or trustee to be appointed under the provisions thereafter contained, to stand possessed of the residue of the personal estate, upon trust, at such time or times as to them should seem meet, to sell and convert into money all such part thereof as should not consist of money, and to invest the produce of such sale and conversion. They were to be possessed of the said investments and trust monies upon trust to pay the testator's funeral and testamentary expenses and debts; then to pay an annuity to the testator's wife, and to appropriate two legacies of 15,000*l.* each; and the residue was to be in trust for the testator's two sons equally, and to be transferred to them at the age of twenty-five. G. R. Anstey, one of the sons, was to become a trustee at the age of twenty-five, and there was a provision for the appointment of new trustees. The will contained the following receipt clause:—"I declare that the person or persons who from time to time shall become the purchaser or purchasers of the said house in Montague-



street, and who shall pay his, her, or their purchase money or monies to the trustee or trustees for the time being of this my will, or who now have or hath, or from time to time shall or may have, all or any part of the said trust monies, subject to the bequests and trusts of this my will, in his, her, or their hand or hands, or upon securities to be given by him, her, or them, shall not be obliged or required to see to the application of such purchase money or monies, or any part thereof, or the application or disposition of the same monies, stocks, funds, securities, &c., and that the receipt of the acting trustee or trustees shall be a good discharge for the said purchase or trust monies, or any part thereof." The trustee died in 1826; one of the trustees named in the will disclaimed the trusts by deed; the third proved the will, and on the testator's son, G. R. Anstey, attaining twenty-five, was joined by him in the office, and afterwards died, when C. W. Hobson was appointed by G. R. Anstey to be his co-trustee. Part of the residuary estate consisted of two leasehold houses in Tavistock-square, to which the testator was entitled by contract, and they were afterwards assigned to the acting executor. In 1842, Hobson and Anstey borrowed 2800*l.* on the security of a deposit of the title deeds relating to those houses, and executed articles of agreement, in which they were described as the acting trustees of the will, and by which they covenanted to repay the loan, with interest. The money was received by Hobson, and applied by him to his own use, and he afterwards absconded to America. On a claim by the mortgagees, seeking the benefit of their security, Sir J. L. Knight Bruce, V. C., made an order in their favour; but, on appeal, Lord St. Leonards, C., dismissed the claim, but, in consideration of the hardship of the case, not with costs, and directed the plaintiffs to deliver up the title deeds, but not the articles of agreement.

His Lordship considered that the will gave the trustees a general power to give discharges for trust monies. He added—and it is important to note this, to prevent the case from being taken as an authority against an executor's power to mortgage the assets\*—that "it was quite clear that the legal estate became vested in the trustees; and that as to the power of the executor, it was entirely at an end." There can be no doubt on this point. The executor had assented to the bequest upon the trusts of the will, and the loan was made, not to the executor, but to the trustees. His Lordship then remarked on the unusual form of the security, which was not drawn as it ought to have been, if the money had been really intended for the purposes of the trust; but as to that, see *Ball v. Harris*, (cited below). The decision was founded on the impropriety of a mortgage in any form.

"The first question is†, whether a mortgage was or was not authorised by the trusts of this will; and in addressing myself to this point, it ought, I think, to be considered that in a case where trustees have a legal estate, and are to perform a particular trust through the medium of a sale, although a direction for a sale does not properly authorise a mortgage, yet, when the circumstances would justify the raising of the particular charge by a mortgage, it must be in some measure in the discretion of the Court whether it will sanction that particular mode or not‡. It may be the saving of an estate, and the most discreet thing that can be done;

and as the legal estate would go\*, and as the purposes of the trust would be satisfied, I think it impossible for the Court to lay down, that in every case of a *trust for sale, to raise particular sums*, a mortgage might not, under circumstances, be justified as a general rule. However, there can be no difficulty in saying that a mortgage, under a *mere trust for conversion out and out*, is not a due execution of that trust; and looking at the nature of the property in the present case, which was leasehold, and which, as being varying property, would, as a matter of course, be directed to be converted into money, when under a general gift it was to go to different parties having different interests, it is impossible to say that this Court could allow the property to remain unconverted under an absolute trust for conversion out and out, and the trustees to deal with it as if it were property that was to be enjoyed in specie. In the present instance, the trustees went on receiving the rents, and accounting to the persons who were entitled to the benefit of the purchase money of the property producing the rents, and this was done when the will contained a trust that with all convenient speed after the testator's death† the property should be converted out and out, not simply for the purpose of paying a charge which might be more conveniently raised by a mortgage, but for the purpose of conversion. One of the objects of the conversion was to pay the debts; but there were other and final objects which rendered a conversion out and out absolutely necessary—namely, the dedication of the trust monies to raise particular sums, according to the testator's will; and therefore to continue the property unconverted was to set aside the testator's will, instead of executing the trusts of it."

That there were particular sums to be raised might be, as was pointed out in the commencement of the judgment, a reason rather in favour of a mortgage than against it, as the sums might be required at a time when a sale would be inexpedient. The true grounds of the decision were, first, that the property was leasehold, and therefore the trust for conversion as soon as conveniently might be was more material than it would have been if the property had been permanent. Time was "of the essence" of the trust. And, secondly, that the transaction did not appear on the face of it, or to the mortgagees, as a transaction which could possibly be necessary or proper for the due administration of the trusts. It was not pretended that the money was wanted for debts, or to make up the amount of the legacies; and as to debts, the executor was not a party. But if there had been shewn to the mortgagees a reasonable ground for believing that the money was then required either for debts or for the legacies, we conceive that, notwithstanding the breach of trust in delaying the conversion, the mortgage might have been supported. Though a sale ought to have been made long before, yet a sale for the purpose of that immediate exigency might be inexpedient. This will appear more clearly if for the leaseholds we substitute freeholds of inheritance, charged with debts and legacies, and subjected to an imperative trust for conversion. In that case, if there were no special circumstances, (such as existed in *Walker v. Shore*, (19 Ves. 387)), there would be great difficulty in making the trustees answerable for delaying the sale. Certainly neither the decision nor the judgment of the late Lord Chancellor in *Stroughill v. Anstey* involves the conclusion that a mortgage of the freeholds, in the case we have supposed, made within

\* See *Mead v. Orrery*, (3 Atk. 239); *Scott v. Tyler*, (Dick. 724); *M'Leod v. Drummond*, (17 Ves. 154); and *Andrew v. Wrigley*, (4 Bro. C. C. 138).

† We cite this part of the judgment from De G., Mac., & G. The report in the Jurist is fuller.

‡ We presume that this means that the Court may in certain cases recognise as valid a mortgage made by trustees for sale on their own responsibility, without previously obtaining the sanction of the Court.

\* We confess our inability to understand the materiality of the legal estate passing by the security.

† Not so; the trust was, "at such time or times as to them should seem meet, to sell," &c. The Jurist report states this part of the judgment thus—"Here is a trust which means, that with all convenient speed," &c.

a year or two after the testator's death, would be improper. It is true that a mortgage is a transaction which can be more easily kept from the knowledge of the cestuis que trust than a sale even by private contract, and so far it is more available for the purposes of fraud, but that is not a sufficient reason for fettering the discretion of trustees in the performance of their office. Circumstances may unquestionably occur which would justify a trustee in mortgaging an estate for the payment of debts or legacies, though his trust is imperative to sell it. Within a year or two from the testator's death, he would clearly do right to avoid what might appear to him to be an unfavourable market. Can it make any difference that he has delayed the sale for ten or even twenty years? Even if such delay were a clear breach of trust, it might still, at any given moment, be disadvantageous to sell, and then, we submit, a mortgage, even of leaseholds bequeathed in trust for absolute conversion, might be justifiable for the purpose of satisfying a charge.

In *Mills v. Banks*, (3 P. Wms. 1), Lord Macclesfield, C., referring to the trusts of a term for raising portions, said that a power to sell implies a power to mortgage, which is a conditional sale; though he thought that in the case before him the trust was to raise the portion out of the annual rents. In reference to that observation, Lord Langdale, in *Haldenby v. Spofforth*, (1 Beav. 395), said, "This I conceive to mean, that when it is intended to preserve the estate then under a direction for sale, a mortgage will sufficiently answer the purpose." So that the dictum, as Lord St. Leonards points out, does not go beyond what was laid down in *Stroughill v. Anstey*, where, after referring to, and apparently condemning, the generality of Lord Cottenham's dictum in *Ball v. Harris*, (cited below), Lord St. Leonards said, "My own opinion is, that, generally speaking, a power of sale out and out, for a purpose or with an object beyond the raising of a particular charge, does not authorise a mortgage; but that where it is for raising a particular charge, and the estate itself is settled or devised subject to that charge, then it may be proper, under the circumstances, to raise the money by mortgage; and the Court will support it as a conditional sale, as something within the power, and as a proper mode of raising the money."

The case of *Orford v. Albemarle* (12 Jur., part 1, p. 811; 17 L. J., Ch., 390) is consistent with the dictum of Lord St. Leonards. There estates in Dorsetshire had been conveyed to trustees, upon trust, at the request of A. and B., or of the survivor of them, or, after the death of such survivor, at the discretion of the trustees, to sell, and to be possessed of the purchase monies upon the trusts declared by a deed of even date. By the deed of even date estates in Norfolk were settled, and the proceeds of the sale of the Dorsetshire estates were directed to be applied in the payment of certain sums of money, some of which were charged on the Norfolk estates, and any surplus of the proceeds of the sale was to be laid out in the purchase of lands, to be settled to the same uses as the Norfolk estates; and the rents and profits of the Dorset estates, until sold, were to go with the rents and profits of the settled estates. The late Vice-Chancellor of England, at the request of the surviving tenant for life, made a decree authorising the trustee to raise the sums charged on the Dorset estates by a mortgage of those estates.

In *Haldenby v. Spofforth* (1 Beav. 390; 3 Jur. 241) the testator gave his residuary real and personal estate to trustees, upon trust, as soon as conveniently might be after his decease, to sell his real estate, and such parts of his personal estate as should not consist of money, with power to give discharges for the purchase money. The proceeds of the real and personal estate, and the rents, issues, and profits of the real estate until sale, were charged with the payment of debts and of

a legacy of 3000*l.*, of which the income was given to the testator's wife for her life; and of legacies of 1200*l.* to each of his daughters, payable at twenty-one; and the residue was given to his sons. The will contained powers of maintenance and advancement. The trustees were also executors. The testator died in 1815. In 1822, the acting executors and trustees, together with G. S., a new trustee, (who had married the widow, and was appointed a trustee in the place of one who had disclaimed), made a mortgage in fee of part of the real estate, for securing 1600*l.*, which mortgage was expressed to be made in exercise of the powers contained in the will. The report states that the bill was filed by two of the daughters, whose legacies remained unpaid, and that the question was, whether the mortgage was valid; but it does not state that the money had been misapplied. The mortgagee, by his answer, stated his belief that the 1600*l.* was received by G. S., and by him applied to the purposes of the trusts of the will. It was contended, on the authority of *Mills v. Banks*, that the power to sell authorised a mortgage; and on the authority of *Allan v. Backhouse*, (2 V. & B. 65), that the charge of the debts on the rents and profits was of itself sufficient to justify the mortgage. But Lord Langdale, M. R., held, that as there was a clear direction to have a sale out and out, the mortgage had not got a valid title. That case, therefore, went far beyond the decision in *Stroughill v. Anstey*, and it was distinctly approved of in that case.

*Ball v. Harris* (4 My. & C. 264) was decided a few months before *Haldenby v. Spofforth*, but does not appear to have been cited in that case. There the testator gave his real estate, subject to a general charge of debts, and the residue of his personal estate, to trustees, upon trust for his wife and daughter successively for life, and then for his granddaughter absolutely, and in case of her death under age, and after the death of the tenants for life, upon trust for sale and distribution among the testator's next of kin; and the trustees were authorised to sell the real estates at any time, with the consent of the tenants for life, and to give discharges, and to re-invest in the purchase of land, and again to sell, &c. The trustees and the wife were appointed executors. The testator died in 1828. In 1831 the acting executor and trustee, with the consent of the widow and daughter, borrowed 600*l.* for the purposes of the will, on the security of a deposit of the title deeds relating to real estate, which they had purchased under the trusts of the will. After the bankruptcy of the trustee the mortgagee filed a bill to enforce his security against the estate, and he had a decree in his favour. It does not appear that the money had been misapplied. Lord Cottenham, C., affirmed the decree, on the ground that the charge of debts authorised the trustee to sell, as was held in *Shaw v. Borrer*, (1 Kee. 559). His Lordship added, "That being my opinion as to the effect of the charge of the debts upon the estate, it is unnecessary to advert to the express power to sell with the approbation of the widow and daughter, (both of whom are parties to the deposit of the deeds with the plaintiff), for it cannot be doubted but that the purchased lands are subject to the same trusts as the land devised; and this disposes of the second point," [viz. whether the purchased lands were subject to the charge of debts. From this it appears that Lord Cottenham thought that the express power of sale would have authorised a mortgage.]

"The third point is equally untenable, viz. that the right of the trustee to sell did not authorise the mortgage. So long ago as the case of *Mills v. Banks*, in 1724, it seems to have been assumed as settled, that 'a power to sell implies a power to mortgage, which is a conditional sale;' and no case has been quoted throwing any doubt upon that proposition. But this is not a mere power to sell; it is a trust to raise money out of

the estate to pay debts. It would, indeed, be most injurious to the owners of estates charged if the trustee could effect the object of his trust only by selling the estate.

"This view of the case makes it unnecessary to consider the observation urged on behalf of the appellant, that three years had elapsed since the death of the testator, and that it was not alleged that the COOL was wanted for the payment of debts. *It was not necessary to allege what it was not necessary to prove*; and the consequence of holding that the trustee was by the will authorised to sell to pay debts is, that the purchaser was not bound to see to the application of the purchase money."

The case of *Ball v. Harris* is not inconsistent with *Haldenby v. Spofforth*, or with *Stroughill v. Anstey*. Before quitting this part of the subject, we may notice an argument which has been sometimes advanced in favour of the power to mortgage in these cases. It is suggested, that if, in the case of a clear trust for absolute conversion, the trustees sell to one of their own number, the Court will not decree a reconveyance, except on the terms of repaying the purchase money, with interest; and that is, in substance, treating the transaction as a mortgage. But it has never been decided that if a sale is made which is a breach of trust within the knowledge of the purchaser, and the purchase money is misapplied, the cestui que trust cannot recover back the estate without repaying the purchase money. The decisions merely negative the right of the cestui que trust to retain the purchase money and recover the estate. In *Stroughill v. Anstey*, if the mortgage money, instead of being misapplied, had been invested upon the trusts of the will, the mortgagees would have been declared entitled to the benefit of the investment, to the extent, at least, of their contract.

(To be continued).

## London Gazette.

FRIDAY, JULY 1.

### BANKRUPTS.

JOHN WALLACE, Calcutta, Bengal, Hindoostan, and Gordon's Hotel, Covent-garden, Middlesex, merchant tailor, dealer and chapman, (now or lately trading in partnership with George Johnston Wallace, at Calcutta, under the firm of Gibson & Co.), July 9 at 1, and Aug. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Murrough, 5, New-inn, Strand.—Petition filed June 30.

WILLIAM JONES, Kentish-buildings, Southwark, Surrey, and Rood-lane, London, hop merchant, and tea and coffee dealer, (trading under the name or style of Jones & Co.), July 9 at half-past 1, and Aug. 13 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Sole & Co., 68, Aldermanbury.—Petition filed June 29.

JAMES HARPER GIBBONS, Wood-street, Cheapside, London, straw hat warehouseman, dealer and chapman, July 11 at 1, and Aug. 10 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition filed June 24.

CHARLES GAHAGAN, Paddington-green, Middlesex, coach builder, dealer and chapman, July 8 at 12, and Aug. 10 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. May & Sweetland, 14, Queen-square, Bloomsbury.—Petition filed June 22.

WILLIAM BRADSHAW, Birmingham, victualler, builder, dealer and chapman, July 12 and Aug. 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Rushworth, and Smith, Birmingham.—Petition dated June 28.

JAMES GRAY, Wolverhampton, Staffordshire, currier, dealer and chapman, July 13 and Aug. 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Thomas, Walsall; Hodgson, Birmingham.—Petition dated June 25.

EPHRAIM HARRIS, Merthyr Tydvil, Glamorganshire, pawnbroker, jeweller, general dealer, dealer and chapman, July 12 and Aug. 9 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Reece, Birmingham; Abbot & Lucas, Bristol.—Petition filed June 24.

OWEN MORRIS, Plymouth, Devonshire, boot and shoe maker, July 11 at 1, and Aug. 1 at half-past 10, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sol. Elworthy, Plymouth.—Petition filed June 21.

JAMES GARNETT LOCKETT, Manchester, merchant and commission agent, dealer and chapman, July 12 and Aug. 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed June 22.

### MEETINGS.

John T. Davison, Chatham, Kent, grocer, July 15 at 1, Court of Bankruptcy, London, last ex.—John Llewellyn, Bristol, haberdasher, July 29 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Aug. 5 at 11, div.—A. Atkinson, Dalton, Furness, Lancashire, tanner, July 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.—John Kenyon Winterbottom, Heaton Norris, Manchester, banker, July 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.—John S. Dainty and John Ryle, Manchester, bankers, July 15 at 12, District Court of Bankruptcy, Manchester, aud. ac. sep. est. of John Ryle.—Thomas Alston, Balderston, Lancashire, spade manufacturer, July 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.—John Sherwin, Liverpool, baker, July 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Samuel Clough and Wm. Thompson Clough, Eccleston, Lancashire, alkali manufacturers, July 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Samuel Robinson, Barnsley, Yorkshire, cotton spinner, July 21 at 11, District Court of Bankruptcy, Leeds, aud. ac.; July 22 at 11, div.—Wm. Mole, Birmingham, victualler, Aug. 2 at 12, District Court of Bankruptcy, Birmingham, div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Julien Thos. Denis, Lime-street, London, and Spur-street, Leicester-square, Middlesex, wine merchant, July 28 at 12, Court of Bankruptcy, London.—Joseph Adams, Halghton, Hammer, Flintshire, cheese dealer, Aug. 8 at 11, District Court of Bankruptcy, Liverpool.—Robert S. Hoggar, Wolverhampton, Staffordshire, builder, Aug. 2 at 12, District Court of Bankruptcy, Birmingham.—Enoch Turner, Birmingham, builder, July 27 at 12, District Court of Bankruptcy, Birmingham.—Benjamin Lamplough, Doncaster, Yorkshire, woollendrapers, July 23 at 10, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

Wm. P. Ayres, Blackheath, Kent, nurseryman.—Charles Lightfoot, Lime-street, London, merchant.—H. N. Ginder, St. Martin's-court, Ludgate-hill, London, licensed victualler.—Robert Bond, Mitre-court, Hatton-garden, Middlesex, wine merchant.—Timothy Ross, Manchester, furniture dealer.—Hugh H. Ross, Liverpool, draper.—Alfred Platts, Sheffield, Yorkshire, tailor.—Robert Liddell, Doncaster, Yorkshire, saddler.—Henry Edison, Bradford, Yorkshire, marble mason.—Wm. Stiles, Stratford-upon-Avon, Warwickshire, out of business.

### SCOTCH SEQUESTRATIONS.

John Dougall, Glasgow, smith.—Francis Perry, Glasgow, merchant.—John Reid, Wilton, Hawick, merchant.

### INSOLVENT DEBTORS

Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Thomas Lister, Shrewsbury, Shropshire, shoemaker, July 19 at 10, County Court of Shropshire, at Shrewsbury.—Wm. Barnes, Cleonger, Herefordshire, blacksmith, July 21 at 10, County Court of Herefordshire, at Hereford.—John Flynn, Stratford-on-Avon, Warwickshire, woollendrapers, July 16 at 10, County Court of Warwickshire, at Stratford-on-Avon.—Samuel Barber, Great Yarmouth, Norfolk, tailor, July 19 at 10, County Court of Norfolk, at Great Yarmouth.—John Morgan, Cwmbach, Aberdare, Glamorganshire, cordwainer, July 12 at 10, County Court of Glamorganshire, at Merthyr Tydvil.—James Towler, Yeadon, Yorkshire, woollen cloth

manufacturer, July 25 at 10, County Court of Yorkshire, at Otley.—*Robert Ross*, Devonport, Devonshire, barrack master, Aug. 10 at 11, County Court of Devonshire, at East Stonehouse.—*Thomas Madge*, Plymouth, Devonshire, out of business, Aug. 10 at 11, County Court of Devonshire, at East Stonehouse.—*John Bailey*, Huddersfield, Yorkshire, out of business, July 18 at 10, County Court of Yorkshire, at Huddersfield.—*Frederick Welch*, Brackley, Northamptonshire, cooper, July 19 at 10, County Court of Northamptonshire, at Brackley.—*J. Margatroyd*, Huddersfield, Yorkshire, stonemason, July 18 at 10, County Court of Yorkshire, at Huddersfield.—*Richard Dearden*, Huddersfield, Yorkshire, cotton twister, July 18 at 10, County Court of Yorkshire, at Huddersfield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

July 16 at 11, before Mr. Commissioner PHILLIPS.

*James Montague*, Lyall-place, Eaton-square, Middlesex, brush manufacturer.—*J. Mulford*, Clarendon-square, New-road, St. Pancras, Middlesex, house decorator.

July 18 at 10, before Mr. Commissioner LAW.

*Frederick Pisey*, Church-lane, Lower-road, Islington, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

July 15 at 11, before the CHIEF COMMISSIONER.

*R. W. Frestons*, Tooley-street, Southwark, Surrey, out of business.—*J. H. Stride*, May's-buildings, St. Martin's-lane, Middlesex, agent for the sale of Opera tickets.

July 15 at 10, before Mr. Commissioner LAW.

*John Lumley*, Victoria-cottages, Old Ford-road, Middlesex, ganger to the St. Katherine's Dock Company.—*J. Isaacs*, Lamb-street, Spitalfields, Middlesex, fruit dealer.

July 16 at 11, before Mr. Commissioner PHILLIPS.

*Thomas Hedgcock*, Hale's-place, South Lambeth, Surrey, master in the Royal Navy on half-pay.—*Henry Lea*, Sidney-street, Mile-end-road, Middlesex, dairyman.—*P. Matheron*, Metropolitan-buildings, Mile-end New-town, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Warwickshire, at COVENTRY, July 13 at 12.

*Enoch Wilkinson*, Digbeth, Birmingham, and Arnold, Nottinghamshire, potato dealer.—*Henry Hands*, Birmingham, manufacturer of electro-plated spoons.—*Wm. H. Johnson*, Birmingham, harness maker.

At the County Court of Suffolk, at IPSWICH, July 15 at 10.

*James H. Bowen*, Ipswich, out of business.—*J. F. Taylor*, Ipswich, shoemaker.

At the County Court of Lancashire, at LANCASTER, July 15 at 10.

*W. D. Wheeler*, Liverpool, attorney-at-law.—*T. Whitworth*, Manchester, out of business.—*Wm. Carter*, Burnley, cotton-waste dealer.—*Robert Armstrong*, Preston, out of business.—*G. W. Heap*, Godley, near Ashton-under-Lyne, out of business.—*Joseph Holt*, St. Helen's, overlooker of a factory.—*J. T. Heap*, Hulme, Manchester, out of business.—*Wm. Prince*, Glossop, Derbyshire, retail dealer in ale.—*J. Shepherd*, Ashton-under-Lyne, out of business.—*Wm. P. Whewell*, Preston, brushmaker.—*Elias Jenkinson*, Hope-hill, Heston Norris, near Manchester, out of business.

At the County Court of Derbyshire, at DERBY, July 16 at 12.

*Alice Ann Cusumming*, Buxton, out of business.

At the County Court of Devonshire, at EXETER, July 16 at 10.

*Wm. Trimming Lethbridge*, Exeter, general dealer.

At the County Court of Yorkshire, at YORK, July 18.

*G. C. Kitchen*, Halton, near Leeds, out of business.—*C. C. Hodgson*, Leeds, schoolmistress.—*Wm. Singleton*, Sheffield, out of business.—*T. Cookson*, Elland, near Halifax, weaver.—*J. Schofield*, Cliff Wooddale, near Holmfirth, woollen manufacturer.—*Henry Buckley*, Halifax, out of business.—*Thomas Smith*, Tendon, near Leeds, clothier.—*J. Rowlandson*, Furston Jaglin, near Pontefract, out of business.—*Wm. Brown*, Leeds, grocer.—*Benjamin Dean*, Pudsey, near Leeds, cattle dealer.—*John Chapman*, Wakefield, smallware dealer.—*John S. Addyman*, Leeds, bookkeeper.—*Joseph Booth*, Lightcliffe, near Halifax, stonemason.—*Wm. Screeeton*, Halifax, tailor.

At the County Court of Somersetshire, at TAUNTON, July 18.

*John Emmet*, Bath, quarryman.—*John Goddard*, Lyncombe and Widcombe, near Bath, butcher.

At the County Court of Northamptonshire, at NORTHAMPTON, July 20.

*James Frost*, Watford, butcher.

At the County Court of Monmouthshire, at MONMOUTH, July 22 at 2.

*Thos. Prosser*, Cwmbrane, Llanvrechva Upper, licensed victualler.

At the County Court of Hertfordshire, at HERTFORD, July 22.

*Thos. Howard*, Shenley-hill, plumber.

At the County Court of Gloucestershire, at GLOUCESTER, Aug. 31 at 10.

*Robert Russell*, Gloucester, builder.

## TUESDAY, JULY 5.

### BANKRUPTS.

**FREDERICK HALE THOMPSON**, Berners-st., Oxford-street, and West-end, Hampstead, Middlesex, manufacturer of silvered glass ware and of silvered glass reflectors, dealer and chapman, July 15 at 1, and Aug. 26 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Norris & Sons, 2, Bedford-row.—Petition filed June 23.

**JOHN ROBINS VIVIAN**, Cheapside, London, dealer in mining shares, and Stonehouse, Devonshire, coal merchant, July 12 at 1, and Aug. 19 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hancock & Sharp, 20, Tokenhouse-yard, London.—Petition filed July 1.

**CHARLES JOHN EGAN**, High-row, Knightsbridge, Middlesex, ironmonger, smith, and bellhanger, dealer and chapman, July 12 at half-past 12, and Aug. 19 at 12, Court of Bankruptcy, London: Off. Ass. Standfield; Sol. Atkinson, 51, Bedford-row, London.—Petition filed July 1.

**WILLIAM PICKERING**, Piccadilly, Middlesex, bookseller and publisher, July 20 at 1, and Aug. 11 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Walker & Co., 13, King's-road, Gray's-inn, London.—Petition filed June 29.

**GEORGE FRANKS**, Blackfriars-road, Surrey, surgeon and apothecary, vendor of patent medicines, and one of the directors of the London and Westminster Cab Company, July 20 at 11, and Aug. 11 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Sles & Robinson, 1, Pariah-st., St. John's, Southwark, Surrey.—Petition filed July 2.

**JOHN DANBY**, Wellington, Shropshire, grocer, dealer and chapman, July 18 and Aug. 6 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Slaney, Birmingham.—Petition dated July 1.

**WILLIAM DERRY** the younger, Wolverhampton, Staffordshire, brickmaker, July 26 and Aug. 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hayes, Wolverhampton.—Petition dated July 2.

### MEETINGS.

*Benjamin Bunting* the elder, *Benj. Bunting* the younger, and *Robert Durrant*, Norwich, tallowchandlers, July 15 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas B. B. Webb*, Brighton, Sussex, and Gloucester, draper, July 19 at 12, Court of Bankruptcy, London, aud. ac.—*John Preston*, King's Arms-yard, Moorgate-st., London, woollen warehouseman, July 19 at 1, Court of Bankruptcy, London, aud. ac.—*J. Waddington* the younger, Wigan, Lancashire, draper, July

23 at 12, District Court of Bankruptcy, Manchester, and ac.; July 28 at 12, div.—*Charles Lucas, Richard Wilkinson, and Edward Bond*, Manchester, and Hayfield, Derbyshire, calico printers, July 22 at 12, District Court of Bankruptcy, Manchester, and ac. sep. est. of *R. Wilkinson*; July 28 at 12, div.—*W. Green* the younger, Higher Tranmere, Cheshire, brewer, July 15 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John Aspinall and James Aspinall*, Liverpool, bankers, July 15 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Hugh Jones*, Chester, grocer, July 15 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John T. Peacock*, Sheffield, Yorkshire, cutler, July 16 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*George Phibbs*, Blenheim-st., Bond-st., Middlesex, wine merchant, July 26 at 11, Court of Bankruptcy, London, fn. div.—*Jeremiah Cairns*, Newport, Monmouthshire, banker, July 29 at 11, District Court of Bankruptcy, Bristol, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Emilio Pistrucci*, Salisbury-st., Strand, Middlesex, lithographic artist, July 27 at 12, Court of Bankruptcy, London.—*Edward Hunt*, King William-street and Nicholas-lane, Lombard-street, London; Waltham Cross, Hertfordshire; and Cheshunt-terrace and Grange-road, Bermondsey, Surrey, auctioneer, July 27 at 1, Court of Bankruptcy, London.—*Charles D. Cray*, Southampton, grocer, July 27 at 1, Court of Bankruptcy, London.—*Robert Chinery*, Withersfield, Suffolk, brewer, July 26 at 2, Court of Bankruptcy, London.—*J. Waddington* the younger, Wigan, Lancashire, draper, July 28 at 12, District Court of Bankruptcy, Manchester.—*Wm. Artingtall*, Pendleton, Lancashire, joiner, July 26 at 12, District Court of Bankruptcy, Manchester.—*John Brandon*, Penmeth, Kingswinford, Staffordshire, draper, July 30 at 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Wm. Friday*, Rochester, Kent, miller.—*Samuel Mitchell*, Stepney-gate, Commercial-road East, Middlesex, shoemaker.—*John Bottomley*, Marton, Lincolnshire, miller.—*Robert M'Burnie*, Wetherby, Yorkshire, grocer.—*Henry Holden*, Dewbury, Yorkshire, dealer in faller's earth.

## PARTNERSHIPS DISSOLVED.

*Henry Forskew* and *John Forskew*, Liverpool and Southport, Lancashire, attorneys and solicitors.—*William Borradaile* and *Frederick Dimdale*, King's Arms-yard, London, attorneys and solicitors.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Caroline Holmes*, widow, Birmingham, July 30 at 10, County Court of Warwickshire, at Birmingham.—*John Bridgford*, Birmingham, beer-keeper, July 16 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Dench*, Birmingham, July 30 at 10, County Court of Warwickshire, at Birmingham.—*Henry Myers*, Birmingham, furniture broker, July 16 at 10, County Court of Warwickshire, at Birmingham.—*James Humphries Hooper*, Bedminster, Bristol, clerk to the Bristol and Exeter Railway Company, July 27 at 11, County Court of Gloucestershire, at Bristol.—*Edward Parr*, Bristol, clerk in the General Post-office, July 27 at 11, County Court of Gloucestershire, at Bristol.—*Edward Cade Francis*, Bedminster, Bristol, bookbinder, July 27 at 11, County Court of Gloucestershire, at Bristol.—*Abraham Goodare*, Idles, Calverley, Yorkshire, out of business, July 23 at 11, County Court of Yorkshire, at Bradford.—*Thomas Biddiough*, Bradford, Yorkshire, shopkeeper, July 23 at 11, County Court of Yorkshire at Bradford.—*William Stamp*, Bradford, Yorkshire, stonemason, July 23 at 11, County Court of Yorkshire, at Bradford.—*Wm. C. Maryen*, Lyncombe and Widcombe, Somersetshire, coal merchant, July 16 at 11, County Court of Somersetshire, at Bath.—*Maria Dennison*, Tong, Bristol, Yorkshire, bonnet maker, July 23 at 11, County Court of Yorkshire, at Bradford.—*Robert Selley*, Exeter, victualler, July 16 at 10, County Court of Devonshire, at Exeter.—*John Swinglehurst*, Blencarn, Kirkland, Cumberland, shoemaker, July 21 at 10, County Court of Cumberland, at Penrith.—*T. Hewitt*, Birthington, near Margate, Kent, coal merchant, July 11 at 12, County Court of Kent, at Margate.—*John*

*Beaty*, Brampton, Cumberland, stonemason, July 23 at 10, County Court of Cumberland, at Brampton.—*Robert Clark*, Rowell, Northamptonshire, carpenter, July 21 at 12, County Court of Northamptonshire, at Kettering.—*Thomas Parker*, Manchester, commission agent, July 25 at 11, County Court of Lancashire, at Manchester.—*John Mitchell*, Dudley, Worcestershire, master miner, July 15 at 9, County Court of Worcestershire, at Dudley.—*J. Woodcock*, Four Ways, Cradley-heath, Rowley Regis, Staffordshire, butty miner, July 15 at 9, County Court of Worcestershire, at Dudley.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

July 20 at 11, before the CHIEF COMMISSIONER.

*Wm. Eldridge*, Greenwich, Kent, painter.—*J. Doggett*, Silver-street, Golden-square, Middlesex, baker.—*W. Whitby*, Bancroft's Hospital, Mile-end-road, Middlesex, in no business.—*Joseph Bent*, Gloucester-street, Stepney, Middlesex, shoemaker.

July 20 at 10, before Mr. Commissioner LAW.

*John Thomas*, Stratford, Essex, japanner.—*James Eade*, Albert-terrace, London-road, Southwark, Surrey, builder.—*Wm. Holt*, Brunswick-crescent, Cold Harbour-lane, Camberwell, Surrey, barrister-at-law.

Saturday, July 2.

An Assignee has been appointed in the following Case. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Reuben Henry Williams*, Paragon-place, New Kent-road, Surrey, cowkeeper, No. 63,691 T.; *Christian Ker Temperley*, assignee.

Saturday, July 2.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Robt. J. Hastings*, Cottage-road, Eaton-square, Fimlico, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Wm. Pickett*, Mortimer-st., Cavendish-square, Middlesex, dairyman: in the Debtors Prison for London and Middlesex.—*J. Dawson*, Greeton-terrace, Green-street, Bethnal-green, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. C. Wood*, Matson-terrace, Kingland-road, Middlesex, clerk in an insurance office: in the Debtors Prison for London and Middlesex.—*Thomas Crompton*, Spencer-street, Cross-street, Islington, Middlesex, stockbroker: in the Debtors Prison for London and Middlesex.—*John Ruch*, Boswell-court, Devonshire-street, Queen's-square, Middlesex, draper's assistant: in the Debtors Prison for London and Middlesex.—*John Gidlin Bartlett*, Phoenix-street, Somers-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*George Harris Child*, Mark-lane, City, wine and spirit merchant: in the Queen's Prison.—*George Mosley*, Pembridge-mews, Bayswater, Middlesex, cab proprietor: in the Debtors Prison for London and Middlesex.—*George Cross*, Little James-street, Gray's-inn-lane, Middlesex, saddler: in the Debtors Prison for London and Middlesex.—*Robert W. Cook*, Jubilee-street, Mile-end, Middlesex, master mariner: in the Queen's Prison.—*Thomas Wescott*, Union-square, Borough, Southwark, Surrey, commission agent: in the Debtors Prison for London and Middlesex.—*Thomas W. Marshall*, Howsallow, Middlesex, omnibus driver: in the Debtors Prison for London and Middlesex.—*M. E. Durup*, Brydges-street, Covent-garden, Middlesex, in no trade: in the Debtors Prison for London and Middlesex.—*George Ball*, Alpha-cottages, Old Kent-road, Surrey, carpenter: in the Gaol of Surrey.

(On Creditor's Petition).

*John R. Witherden*, Arundell-cottages, Back-road, Kingland-road, Middlesex, in no business: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*W. Bonney*, Foulton-le-Sands, near Lancaster, Lancashire, contractor: in the Gaol of Lancaster.—*Thomas Dale*, Manchester, tallowchandler: in the Gaol of Lancaster.—*William*

*Dawson*, Accrington, Lancashire, out of business: in the Gaol of Lancaster.—*Joseph Holt*, Windle St. Helen's, Lancashire, overlooker in a factory: in the Gaol of Lancaster.—*Elias Jenkinson*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*John Sanderson*, Liverpool, out of employment: in the Gaol of Lancaster.—*George Williams*, Bolton-hill Farm, Stainton, Pembrokeshire, builder: in the Gaol of Haverfordwest.—*Wm. D. Wheeler*, Liverpool, attorney-at-law: in the Gaol of Lancaster.—*W. Humphrys*, Kington, Herefordshire, out of business: in the Gaol of Hereford.—*John Rees*, Cardiff, Glamorganshire, out of business: in the Gaol of Cardiff.—*James Davenport*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*William Waugh*, Hulme, Manchester, egg dealer: in the Gaol of Lancaster.—*George Birks*, Congleton, Cheshire, out of business: in the Gaol of Chester.—*Richard Walker* the younger, Birmingham, out of business: in the Gaol of Warwick.—*Ellis Hughes*, Birmingham, builder.—*Thomas Sterratt*, Kearsley, near Bolton-le-Moors, Lancashire, drysalter: in the Gaol of Lancaster.—*Richard Martin* the elder, Great Grimsby, Lincolnshire, out of employment: in the Gaol of Lincoln.—*R. Cooper* the younger, Gloucester, out of business: in the Gaol of Gloucester.—*Eli Munn*, Birmingham, baker: in the Gaol of Coventry.—*William Lamb*, York, joiner: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 19 at 11, before the CHIEF COMMISSIONER.*

*Thos. Wilson*, Craven-street, Strand, Middlesex, general agent.—*Robert Todd* the younger, Gravesend, Kent, clerk to a solicitor.—*N. J. Woolley*, Sussex-street, New-rd., Wandsworth, Surrey, out of business.

*July 20 at 10, before Mr. Commissioner LAW.*

*Henry Barringer*, East-place, Stockwell, Surrey, plumber.—*E. B. Groves*, Montague-road, Uxbridge-common, Uxbridge, Middlesex, omnibus proprietor.—*George Whitfield*, Lower Rosoman-street, Clerkenwell, Middlesex, hatter.—*H. Bent*, High-road, Hammersmith, Middlesex, grocer's assistant.—*John Rudd*, Boswell-court, Devonshire-street, Queen-sq., Bloomsbury, Middlesex, linendraper's assistant.

*July 21 at 11, before the CHIEF COMMISSIONER.*

*Wm. Gunn*, Hand-court, Holborn, Middlesex, engraver.

*July 21 at 11, before Mr. Commissioner PHILLIPS.*

*The Rev. Henry Holmes*, Boyle-street, Old Burlington-st., St. James's, Middlesex, vicar of the parish of St. Ann's, Wandsworth, Surrey.—*Wm. Allars*, Essex-street, West-st., Globe-fields, Mile-end, Middlesex, cabinet maker.—*Robert Hitchcock*, Sydney-street, Brompton, Middlesex, master of her Majesty's Court of Exchequer in Ireland.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, July 19 at 10.*

*Benjamin Bradley*, Dawley, labourer.

*At the County Court of Cheshire, at CHESTER, July 19.*

*Henry Jones*, Chester, joiner.—*George Birks*, Congleton, out of business.

*At the County Court of Gloucestershire, at BRISTOL, July 20 at 11.*

*John Trotman*, Bristol, corn merchant's clerk.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Thomas Ward*, Olney, surveyor, and *Stoney Stratford*, Buckinghamshire, maltster, at Parrott's, Stoney Stratford: 11d. in the pound.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Richard Bowser, Gent., of Bishop Auckland, Durham, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Durham.

**LAW.**—Any Gentleman connected with the Profession, having the command of 16,000l. or upwards, to be secured by Mortgage charged on ample property, having great business advantages, might also effect an arrangement with a London Solicitor, without the risk or anxiety of a partner. Principals only will be treated with. Letters addressed Y. Z., Mr. Earnshaw, Chronometer Maker, 119, High Holborn.

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# The Jurist

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LONDON, JULY 16, 1853.

OUR readers engaged in Chancery business are aware that before the 15 & 16 Vict. c. 86, it was a fatal objection to a bill that there was misjoinder of plaintiffs; and this was one of the things which led to the passing of the Winding-up Acts; for as it was held, that if, in a suit between the shareholders of a company, one shareholder sued on behalf of himself and all others except the defendants, and any of the represented shareholders had interests opposed to those of the plaintiff on the record, there was misjoinder; and as the doctrine of representation was not admitted, or at least not at all clearly and generally admitted, as applicable to defendants, it became impracticable to work such a suit, by reason of the great number of parties requisite. To remedy this, the Winding-up Acts were passed: the remedy has, however, proved perhaps worse than the disease. But that is not the question which in this paper we intend to discuss.

The doctrine of misjoinder being inconvenient in ordinary suits, as well as in company suits, the Chancery Amendment Act, 15 & 16 Vict. c. 86, has endeavoured to provide for it; and accordingly the 49th section is as follows:—"No suit in the said court shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein, but wherever it shall appear to the Court that notwithstanding the conflict of interest in the co-plaintiffs, or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiffs, or some or one of them, are or is entitled to relief, the Court shall have power to grant such relief, and to modify its decree, according to the special circumstances of the case, and for that purpose to direct

such amendments, if any, as may be necessary, and at the hearing, before such amendments are made, to treat any one or more of the plaintiffs as if he or they was or were a defendant or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record; and where there is a misjoinder of plaintiffs, and the plaintiff having an interest shall have died leaving a plaintiff on the record without an interest, the Court may, at the hearing of the cause, order the cause to stand revived, as may appear just, and proceed to a decision of the cause, if it shall see fit, and to give such directions as to costs or otherwise as may appear just and expedient."

Under that section a decision has been arrived at in a case of *Clements v. Bowes*, before Sir R. T. Kindersley, V.C., on the 23rd June, 1853, (not yet reported), which, if it is supported and followed, will have probably the effect of bringing back company suits to the Court of Chancery, and to a great extent preventing future winding-up cases. In that case, the plaintiff, a shareholder in a company, sued on behalf of himself and all others, except the defendants, (who were the members of what was termed the finance committee, and had acted as agents of the committee of management), for a special account of the deposits received by them, and a distribution of what should be found due on taking such account; the company being one of those in which the bill had been thrown out. Among others, the objection was taken that a certain portion of their deposits had been returned to the shareholders, under an arrangement, by which they were to keep so much, at any rate; that the majority had acquiesced in that, and did not desire to disturb it; that if the account sought was taken, the result would be, that the portions so returned must be refunded; that the plaintiff



did not and could not offer to refund on behalf of those whom he affected to represent; in fact, that the interests of the plaintiff represented and the plaintiff on the record were not identical, and that there was misjoinder. It was objected also that there were certain shareholders who, under special circumstances, had had the whole of their deposits returned; and their interest was clearly adverse to the plaintiff's. But Sir R. T. Kindersley, V. C., held, that admitting there was misjoinder, the 49th section of the 15 & 16 Vict. c. 86, applied; that it applied as well to a case where some of the plaintiffs were not actually on the record, but only plaintiffs by representation, as to a case where all the plaintiffs are actually on the record; and accordingly the Vice-Chancellor, treating the shareholders represented and alleged to have adverse interests as defendants, disposed of the objections suggested on their behalf, so far as to make an immediate decree for an account, with a declaration, however, that the particular class, who had received back their whole deposits, should be served, and have liberty to attend at chambers.

We confess we should have thought, in the absence of decision, the act did not intend that the Court should treat plaintiffs as defendants, except when they were actually on the record, so that they might actually appear and be heard as defendants; otherwise the effect is, that a decree is made *ex concessis* against the interest of parties who are not heard, except by co-defendants, who may either misunderstand the real nature of their objection, or may be in collusion with the plaintiff on the record.

The result, however, of *Clements v. Bowes* will be to clear away the great difficulty in a company suit; because it follows, that in most cases now sent, under winding-up orders, to the Master's office, a very small number of parties will be sufficient *on the record*; that classes may appear and be represented in chambers; and so the winding-up of a company may take place in a suit, as well as under a winding-up order.

We congratulate the equity judges on the probability of this agreeable accession to their chamber business.

#### ORDER IN COUNCIL OF JUNE 13, 1853, FOR REGULATING THE PRACTICE IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

WHEREAS there was this day read at the board a report from the Right Honourable the Lords of the Judicial Committee of the Privy Council, dated the 30th May last past, humbly setting forth that the Lords of the Judicial Committee have taken into consideration the practice of the Committee, with a view to greater economy, dispatch, and efficiency in the appellate jurisdiction of her Majesty in Council, and that their Lordships have agreed humbly to report to her Majesty that it is expedient that certain changes should be made in the existing practice in appeals, and recommending that certain rules and regulations therein set forth should henceforth be observed, obeyed, and carried into execution, provided her Majesty is pleased to approve the same:

Her Majesty, having taken the said report into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof, and of the rules and regulations set forth therein, in the words following; *videlicet*:—

I. That, any former usage or practice of her Majesty's Privy Council notwithstanding, an appellant who shall succeed in obtaining a reversal or material alteration of any judgment, decree, or order appealed from, shall be entitled to recover the costs of the appeal

from the respondent, except in cases in which the Lords of the Judicial Committee may think fit otherwise to direct.

II. That the registrar, or other proper officer having the custody of records in any court or special jurisdiction from which an appeal is brought to her Majesty in Council, be directed to send by post, with all possible dispatch, one certified copy of the transcript record in each cause to the Registrar of her Majesty's Privy Council, Whitehall; and that all such transcripts be registered in the Privy Council-office, with the date of their arrival, the names of the parties, and the date of the sentence appealed from; and that such transcript be accompanied by a correct and complete index of all the papers, documents, and exhibits in the cause; and that the registrar of the court appealed from, or other proper officer of such court, be directed to omit from such transcript all merely formal documents, provided such omission be stated and certified in the said index of papers; and that especial care be taken not to allow any document to be set forth more than once in such transcript; and that no other certified copies of the record be transmitted to agents in England by or on behalf of the parties in the suit; and that the fees and expenses incurred and paid for the preparation of such transcript be stated and certified upon it by the registrar or other officer preparing the same.

III. That when the record of proceedings or evidence in the cause appealed has been printed or partly printed abroad, the registrar or other proper officer of the court from which the appeal is brought shall be bound to send home the same in a printed form, either wholly or so far as the same may have been printed, and that he do certify the same to be correct, on two copies, by signing his name on every printed sheet, and by affixing the seal, if any, of the court appealed from to these copies, with the sanction of the court.

And that in all cases in which the parties in appeals shall think fit to have the proceedings printed abroad, they shall be at liberty to do so, provided they cause fifty copies of the same to be printed in folio, and transmitted, at their expense, to the Registrar of the Privy Council, two of which printed copies shall be certified as above by the officers of the court appealed from; and in this case no further expense for copying or printing the record will be incurred or allowed in England.

IV. That on the arrival of a written transcript of appeal at the Privy Council-office, Whitehall, the appellant, or the agent of the appellant prosecuting the same, shall be at liberty to call on the Registrar of the Privy Council to cause it, or such part thereof as may be necessary for the hearing of the case, and likewise all such parts thereof as the respondent or his agent may require, to be printed by her Majesty's printer, or by any other printer on the same terms, the appellant or his agent engaging to pay the cost of preparing a copy for the printer, at a rate not exceeding 1s. per brief sheet, and likewise the cost of printing such record or appendix; and that 100 copies of the same be struck off, whereof thirty copies are to be delivered to the agents on each side, and forty kept for the use of the Judicial Committee; and that no other fees for solicitors' copies of the transcript, or for drawing the joint appendix, be henceforth allowed, the solicitors on both sides being allowed to have access to the original papers at the Council-office, and to extract, or cause to be extracted and copied, such parts thereof as are necessary for the preparation of the petition of appeal, at the stationer's charge, not exceeding 1s. per brief sheet.

V. That a certain time be fixed within which it shall be the duty of the appellant or his agent to make such application for the printing of the transcript, and that such time be within the space of six calendar months from the arrival of the transcript and the registration thereof in all matters brought by appeal

from her Majesty's colonies and plantations east of the Cape of Good Hope, or from the territories of the East India Company, and within the space of three months in all matters brought by appeal from any other part of her Majesty's dominions abroad; and that in default of the appellant or his agent taking effectual steps for the prosecution of the appeal within such time or times respectively, the appeal shall stand dismissed without further order, and that a report of the same be made to the Judicial Committee by the Registrar of the Privy Council at their Lordships' next sitting.

VI. That whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a question of law, the agents of the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Lords of the Judicial Committee in the form of a special case, and print such parts only of the transcript as may be necessary for the discussion of the same: provided that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit; and that in order to promote such arrangements and simplification of the matter in dispute, the Registrar of the Privy Council may call the agents of the parties before him, and, having heard them and examined the transcript, may report to the Committee as to the nature of the proceedings.

And her Majesty is further pleased to order, and it is hereby ordered, that the foregoing rules and regulations be punctually observed, obeyed, and carried into execution in all appeals, or petitions and complaints in the nature of appeals, brought to her Majesty, or to her heirs and successors, in council, from her Majesty's colonies and plantations abroad, and from the Channel Islands or the Isle of Man, and from the territories of the East India Company, whether the same be from courts of justice or from special jurisdictions, other than appeals from her Majesty's Courts of Vice-Admiralty, to which the said rules are not to be applied.

**STROUGHILL v. ANSTAY, AND FORBES v. PEACOCK.**

(Continued from p. 245).

After deciding the question in *Stroughill v. Anstey*, Lord St. Leonards proceeded to comment on some of the authorities which had been cited in the argument, but which did not involve or affect the principle of the decision. They were cases in which, there being a charge, and no declaration that the trustees' receipts should be discharges, purchasers or mortgagees were held to be absolved from looking to the application of the money by the circumstance that debts as well as legacies were charged. We have on a former occasion stated and discussed those cases at some length. (See 11 Jur., part 2, pp. 111, 124). They were not material to the decision in *Stroughill v. Anstey*, which was, not that the mortgagees ought to have seen to the application of their money, but that they ought not to have advanced it at all in the way in which they did advance it. After referring with approval to *Watkins v. Cheek*, (2 Sim. & S. 199), his Lordship thus stated and commented on *Johnson v. Kennett*, (6 Sim. 384; 3 My. & K. 630). [We cite from The Jurist report, which is not only fuller, but in this part apparently more accurate than that in De G., Mac., & G.]:—

"*Johnson v. Kennett* is a very simple case. By the will certain legacies were given, and, subject to those legacies and the payment of his debts and funeral and testamentary expenses, he gave all his real and personal estate to his son in fee. Now, observe that there is a very important distinction in these cases, in my apprehension, whether an estate be given to trustees for a

purpose, or whether it be given absolutely to a man subject to the charge. No doubt, by this gift, the son became a trustee, beyond all question, for the payment of legacies and debts; but beyond all doubt, in this court, he did not lose his character of owner: he was not only a trustee for the payment of debts, but he was the owner of the estate, subject to those debts, and therefore he must always, in his dealings, fill the two characters. Well, he settled the estate to uses" [to bar dower, his wife joining in a fine] "as if it were his own property, no doubt, and he then raised money by the sale of the estate; and the question was, whether the sale could be maintained. The Vice-Chancellor was of opinion that it could not, and he went upon the ground that the man was dealing with the property as his own, and that therefore it could not be supposed that it was an execution of the trust for payment of the debts. Lord Lyndhurst reversed that decision, and upon a ground not altogether, I think, satisfactory. He said that the decision below turned upon this—that although there was an original charge of debts and legacies, yet, as the debts had been paid, the legacies then only were charged, and then it became a case within the rule, that the purchaser is bound to see to the application of the money for payment of legacies. The learned judge, in answer to that, said, 'I find no authority for such a proposition; the rule applies to the state of things at the death of the testator; and if the debts are afterwards paid, and the legacies alone are left as a charge, that circumstance does not vary the general rule.' I shall presently make an observation upon that. Now, when *Johnson v. Kennett* was before the Vice-Chancellor, I see I had to argue against the title, and contrary to my individual opinion. That often happens to counsel. I apprehend that the purchaser there had a good title, but not on the ground stated by Lord Lyndhurst. The son was absolute owner of the estate subject to the debts and legacies. The testator had intrusted him with the estate—that is, had given him the estate beneficially, and intrusted him with the obligation or trust to pay debts and legacies; but that did not take away his ownership. He was at liberty to settle it to uses to bar dower for himself just as he thought proper; and when he sold, he of course sold as owner as well as trustee. Selling, therefore, as the owner was no breach of trust; it was a sale by him in his proper character, but still subject in equity to the payment of the debts and legacies. It is impossible, therefore, to say that that was a breach of trust; he had the power to dispose of the estate by sale if he thought proper, but he was bound to apply the money that he received from the sale of the estate in payment of the debts of the testator; and this Court would compel him to do so, and would not allow him to divert the money to other purposes. But you are not to suppose that he means a breach of trust. I should apprehend, therefore, in a case of that sort, without resorting to any such rule as Lord Lyndhurst resorted to, that that was a perfectly good title in the purchaser." In the other report, Lord St. Leonards is represented as having said that the devisee in *Johnson v. Kennett* stood in the same position as an heir-at-law, who, being liable to the testator's debts, has power to dispose of the estate. We cannot think that his Lordship intended to make so inaccurate a comparison. The distinction between the liability of real estate as assets, and its liability under a charge, is essential and fundamental, as was pointed out in *Ball v. Harris* (4 My. & C. 268) and in *Pimm v. Insall*, (1 Mac. & G. 457). The liability of the heir to the debts, and even the liability of the estate as assets, constitutes no lien on the estate before suit. (*Horn v. Horn*, 2 Sim. & S. 448; *Spackman v. Turnbull*, 8 Sim. 260, where the decision would have been directly opposite if the estate had been charged with the debts). If the de-

vises had been compared to an executor who was also a specific or residuary legatee, the comparison would have been just. We have cited the above comment on *Johnson v. Kennett* for the purpose of shewing that Lord Lyndhurst's notion of the rule, as to the trustee's power of disposition depending on the state of things at the testator's death, is disapproved of by Lord St. Leonards; but we cannot assent to his Lordship's defence of the decision in that case. All the authorities shew, that when a legatee or devisee, who is also executor or trustee, deals with the property as if it were his own, the persons dealing with him, though protected, by the necessity of the case, from the claims of creditors, (*Eland v. Eland*, 1 Beav. 235; 4 My. & C. 220), are bound to see to the payment of legacies charged on the property. (*Cubbridge v. Boatwright*, 1 Russ. 549, where a sale by an executor was set aside simply on the ground that he represented himself to have acquired the beneficial title; *Hill v. Simpson*, 7 Ves. 152; *Eland v. Eland*, ubi sup.; *Rogers v. Rogers*, 6 Sim. 364; *Watkins v. Cheek*, 2 Sim. & S. 199). Now, in *Johnson v. Kennett*, there can be no doubt that the sale appeared to the purchaser as a dealing by an owner for his own purposes, and not as trustee. The estate had been discharged from the devisee's wife's dower. The devisee was not likely to obtain such a gift from his wife for the benefit of an estate which he intended to sell for the payment of the testator's debts. And the purchaser took a bond of indemnity against the legacies. (See *Rogers v. Rogers*, 6 Sim. 364).

After noticing and approving of Lord Langdale's decision (or rather dictum) in *Page v. Adams*, (4 Beav. 269), his Lordship came to *Forbes v. Peacock*, (11 Sim. 153; 1 Ph. 717).

"I am of opinion," Lord Lyndhurst says, "that if there is a general charge of debts, you must take it as it stood at the death of the testator; and if there were debts then, although they were subsequently satisfied, yet, by reference to the circumstances that existed at the death of the testator, the purchaser is not liable." But then he says, as I understand by the reporter's note, "I do not mean to decide, that if there were no debts at the death of the testator the purchaser is not bound." [The meaning of the reporter's note appears to us to be exactly the reverse, viz. that whether there be debts or not at the testator's death, the purchaser is free; that, in short, (contrary to what appears to be the purport of Lord Lyndhurst's judgment, and to what he said in *Johnson v. Kennett*, and what Lord Cottenham repeated after him in *Eland v. Eland*), the rule is a rule of construction, and not dependent on the actual circumstances either at the death or at any other time.] "Now, I cannot follow that distinction. The case must stand upon one of two grounds; either it must stand upon the ground that it is unimportant that the purchaser should know that there are no debts, and then, upon principle, it would be indifferent whether there were no debts at the death of the testator, or no debts at the time of the purchase; or—and this is a ground which is more satisfactory, and which is open to none of these ambiguities—it must stand upon this—that when a testator, by his will, charges his estate with debts and legacies, he has shewn that he means to intrust his trustees with the power of receiving the money, because there may be debts. . . . The power arises from the circumstance that the debts are provided for; but the power does not cease because there are no debts, it being in the very creation of the trust a clear indication amounting to a declaration by the testator that he means, and the nature of the trusts shews he means, that the trustees are alone to receive the money and apply it. In that way all the cases would be reconcilable, and they would stand upon one footing—namely, that if a trust be created for the payment of

debts and legacies, the purchaser or mortgagee shall in no case be bound to see to the application of the money." The next extract from the judgment will shew that the reconciliation of the cases is not quite completed even by this rule:—"As to *Forbes v. Peacock*, it is quite a mistake to suppose that that was a trust executed at a distance of twenty-five years from the time when it arose, for it was executed at the time at which it did arise; that happened to be twenty-five years after the death of the testator."

Lord St. Leonards, therefore, agrees with Lord Lyndhurst in assuming it to be clear, that in *Forbes v. Peacock* the trustees were not exercising their implied power of sale for the payment of debts, which arose immediately on the testator's death, but were exercising their express power of sale for the purpose of division among the residuary legatees—a power which did not arise until the death of the tenant for life, twenty-five years after the testator's death. We have, therefore, Lord Lyndhurst deciding, and Lord St. Leonards agreeing, that where there is a charge of debts, and in the person whose office it is to satisfy that charge either a fiduciary power to sell for any other purpose, or a general power of disposition as beneficial owner subject to a charge of legacies, the charge of debts is equivalent to an express declaration by the testator that a purchaser from the devisee shall not be liable to see to the application of the money, even though he knows that there are no debts to be paid; in other words, that a charge of debts is an expression of intention with respect to legacies, irrespective of the payment of debts, and in a case where the sale is avowedly made, not under the charge, but under a trust for sale for another purpose. We have on a former occasion given our reasons for thinking that this inference is wholly unwarranted—is not even justified by convenience, and, as Lord St. Leonards admits, was never thought of before the appeal in *Forbes v. Peacock*\*. Up to that time the rule, that where there is a charge of debts, the purchaser is absolved from liability to see to the application of the purchase money, and from inquiring whether the debts are paid or not, was considered to be founded, not on any inference of intention in the testator, but on the necessity of the case, because it would be impossible to satisfy a purchaser, if he had a right to be satisfied on the point. The rule, in short, was a mere application to equitable assets of the rule that always prevailed with respect to legal personal assets, which the law, and not the testator, charges with the debts. Thus, in *M'Leod v. Drummond*, (14 Ves. 361), Sir W. Grant, M. R., expressly declared that there was no difference between the executor's power to dispose of equitable assets, and his power to dispose of legal assets; and Lord Hardwicke had previously said the same thing, (1 Atk. 463). Now, as to personal assets, we have shewn (11 Jur., part 2, p. 111) that a purchaser from the executor, with notice that the debts are paid, or that the sale is not made for the payment of debts, is bound to see to the payment of legacies charged on those assets, even though the transaction is perfectly regular and justifiable on the face of it, and the purchaser has no reason to suspect that the executor intends to misapply the purchase money. (*Crane v. Drake*, 2 Vern. 616; *Hill v. Simpson*, 7 Ves. 152; *Cubbridge v. Boatwright*, 1 Russ. 549; see *Cole v. Muddle*, 22 L. J., Ch., 401). We have thus on this important question a distinction established, on no ground of convenience, and in opposition to analogy and principle, between equitable assets and legal personal assets.

\* "I must say this for the decisions of Sir L. Shadwell, and it is but fair to do so—that certainly, at the time he gave those decisions, the general feeling of the Profession was in favour of the view which he took. There is no doubt about that."

In *Forbes v. Peacock* there was no question as to the propriety of the sale; and the doctrine of that case, as explained by the reporter and by Lord St. Leonards, does not affect any such question. We must now take that case to have established (subject to correction in the House of Lords) the following rule of construction, and nothing more—that the charge of debts supplies the power to give discharges for money raised, whenever money is properly raised, whether for payment of debts or for any other purpose; and therefore Lord St. Leonards said, that “people who deal with trustees at a considerable distance of time, without an apparent reason for raising money, in advancing the money must be considered as under some obligation to inquire what the trustees are about. I do not mean at all to incumber or lessen the security of purchasers or mortgagees under trusts; but if, for a great number of years, a trust remains unperfected, and parties are found in possession and receipt of the rents of the property, and then an adverse application is made of the trust property without their concurrence, it may place those who deal with the trustees in a situation of having it established that there was a breach of trust of which they ought to have taken notice.”

A charge of debts and legacies authorises a sale for the payment of legacies only—as a charge of legacies alone would do; and therefore, where trustees take an estate charged with debts and legacies, and are not bound to sell for any other purpose, it would be difficult to sustain any objection to a sale or mortgage on the mere ground of lapse of time, unless the time for raising the legacies has not yet arrived; for there is not the same presumption against the forbearance of legatees as against the forbearance of creditors; and even as to creditors, though there is a presumption that they will promptly seek for payment, it must be remembered that deferred or contingent claims may first become enforceable at an indefinite distance of time from the testator's death. (See *Hickling v. Boyer*, 3 Mac. & G. 636, and *Morse v. Tucker*, 5 Hare, 79).

### London Gazette.

FRIDAY, JULY 8.

#### BANKRUPTS.

JAMES WILLIAM HENDY, Portsmouth, Southampton, builder and mason, dealer and chapman, July 18 and Aug. 19 at 12, Court of Bankruptcy, London: Off. Ass. Cannon; Sols. Edgcombe, Portsea, Hampshire; Pownall & Cross, 9, Staple-inn, Holborn.—Petition filed July 6.

THOMAS BALMER, Abbey-street, Bermondsey, Surrey, engineer, dealer and chapman, July 18 and Aug. 19 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wright, 126, Chancery-lane.—Petition filed July 7.

WILLIAM LIONEL FELIX TOLLEMACHE, (commonly called Lord Huntingtower), Grosvenor-square, Middlesex, horse dealer, dealer and chapman, July 15 and Aug. 19 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Parkes, 43, Bedford-row, London.—Petition filed July 6.

JOHN GRIMES UPWARD, Lyme Regis, Dorsetshire, draper, dealer and chapman, July 19 at 11, and Aug. 11 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed July 7.

HENRY ROSS, Bruton, Somersetshire, carpenter and builder, July 20 and Aug. 15 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Balch, Bruton, Somersetshire; Bridges, Bristol.—Petition filed July 4.

WILLIAM DRAKE and PETER SACKER, Wakefield, Yorkshire, railway truck makers, dealers and chapmen, (lately carrying on business at Wakefield under the style or firm of William Drake & Co.), July 21 and Aug. 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Blackburn, Leeds.—Petition dated and filed July 1.

FRANCIS ENGLISH, Manchester, power-loom cloth manufacturer, dealer and chapman, July 19 and Aug. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Leming, Manchester.—Petition filed July 7.

MORGAN WILLIAMS, Llanelly, Carmarthenshire, wine and spirit merchant, dealer and chapman, July 19 and Aug. 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Castle & Co., Bristol.—Petition filed July 5.

#### MEETINGS.

Geo. Prockter, Jos. Prockter, and Thos. Prockter, Rochdale, Lancashire, cotton spinners, July 29 at 12, District Court of Bankruptcy, Manchester, last ex. of G. Prockter—T. Luke, New Accrington, Lancashire, grocer, July 23 at 11, District Court of Bankruptcy, Manchester, aud. ac.; July 29 at 11, div.—Samuel Padget, Preston, Lancashire, draper, July 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 29 at 12, div.—John Nield, Lees, near Oldham, Lancashire, woollen manufacturer, July 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Thomas Young, Hartlepool, Durham, grocer, July 27 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Aug. 2 at 11, fin. div.—Reuben Hemingway, Liverpool, merchant, July 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—T. Irlam and V. Wencstrocht, Liverpool, brokers, July 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Jonas Woodhead and Joseph Woodhead, Bradford, Yorkshire, file manufacturers, July 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.—Edward Ralebeck, Thornhill Lees Iron-works, Dewsbury, Yorkshire, iron master, Aug. 1 at 11, District Court of Bankruptcy, Leeds, aud. ac.; at half-past 11, third and fin. div.—Edward Theobald Blakely, Norwich, shawl manufacturer, July 29 at half-past 11, Court of Bankruptcy, London, div.—Michael Cox, Liverpool, grocer, July 29 at 11, District Court of Bankruptcy, Liverpool, div.—Richard Gill, Richmond, Yorkshire, grocer, Aug. 2 at 11, District Court of Bankruptcy, Leeds, fin. div.—E. Butler, Carrington, Basford, Nottinghamshire, iron merchant, July 30 at 10, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Wm. Baker, Surrey-lane, Battersea, Surrey, builder, July 29 at 12, Court of Bankruptcy, London.—Edward Whalley, Kingsgate-st., High Holborn, Middlesex, clothworker, July 29 at 12, Court of Bankruptcy, London.—Richard Peniston, Staverston-row, Walworth, Surrey, draper, July 29 at half-past 12, Court of Bankruptcy, London.—S. Norcliffe, Brydges-street, Covent-garden, Middlesex, licensed victualler, Aug. 2 at 12, Court of Bankruptcy, London.—Jane Walker, Halifax, Yorkshire, linendraper, July 29 at 11, District Court of Bankruptcy, Leeds.—Jonas Woodhead and Joseph Woodhead, Bradford, Yorkshire, file manufacturers, July 29 at 11, District Court of Bankruptcy, Leeds.—Wm. Woodyatt, Witton, near Northwich, Cheshire, joiner, Aug. 1 at 11, District Court of Bankruptcy, Liverpool.

To be granted, unless an Appeal be duly entered.

Isaac Unwin, Poland-street, Middlesex, builder.—Robert Westley, London-street, Greenwich, Kent, shoemaker.—F. Water Froggett and Jas. Van Patten, Mark-lane, London, corn merchants.—Geo. Rowell the younger, Carlisle, Cumberland, painter.

#### SCOTCH SEQUESTRATIONS.

Chas. H. Watson, Glasgow, commission agent.—James Mc Nab, Musselburgh, builder.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Edward Cooke, Liverpool, brewer, July 19 at 10, County Court of Lancashire, at Liverpool.—John Pamore, Halberton, Devonshire, farmer, July 14 at 10, County Court of Devonshire, at Tiverton.—Thos. Trow, Wolverhampton, Staffordshire, builder, July 23 at 9, County Court of Staffordshire, at Wolverhampton.—John Showell, Wolverhampton, Staffordshire, bellows maker, July 23 at 9, County Court of Staffordshire, at Wolverhampton.—Richard James Gorton, Wolverhampton, Staffordshire, fruiterer, July 23 at 9, County

Court of Staffordshire, at Wolverhampton.—*H. M'Michael*, Wednesbury, Staffordshire, out of business, July 23 at 9, County Court of Staffordshire, at Wolverhampton.—*Benjamin Brown*, Frome Selwood, Somersetshire, hatter, July 13 at 11, County Court of Somersetshire, at Frome.—*Thos. Richards*, Walsall, Staffordshire, innkeeper, July 22 at half-past 9, County Court of Staffordshire, at Walsall.—*Edward Ellis*, Wednesbury, Staffordshire, builder, July 22 at half-past 9, County Court of Staffordshire, at Walsall.—*Thomas Firth*, Poppleton Moor, Upper Poppleton, near York, licensed victualler, July 18 at 10, County Court of Yorkshire, at York.—*John Huxton*, York, out of business, July 18 at 10, County Court of Yorkshire, at York.—*Henry Draper*, Hertford, carpenter, July 22 at 11, County Court of Hertfordshire, at Hertford.—*Francis Allam*, Great Marlow, Buckinghamshire, fishmonger, July 12 at 11, County Court of Buckinghamshire, at High Wycombe.—*Henry Mitchell*, Thornton, Yorkshire, farmer's assistant, July 29 at 10, County Court of Yorkshire, at Skipton.—*John Jackson*, Gargrave, Yorkshire, boot maker, July 29 at 10, County Court of Yorkshire, at Skipton.—*Richard Davis*, East Town of Crediton, Devonshire, innkeeper, Aug. 1 at 10, County Court of Devonshire, at Crediton.—*William Brown*, Kingswinford, Staffordshire, out of business, July 25 at 9, County Court of Worcestershire, at Stourbridge.—*James Lockwood*, Newcastle-upon-Tyne, shoemaker, July 26 at 2, County Court of Northumberland, at Newcastle-upon-Tyne.—*Wm. Harding Bowtle*, All Saints, Cambridgeshire, bricklayer, July 19 at 12, County Court of Cambridgeshire, at Newmarket.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 22 at 11, before the CHIEF COMMISSIONER.*

*Wm. Hart*, Pratt-st., Camden-town, St. Pancras, Middlesex, baker.—*Wm. Aves*, Goswell-st., St. Botolph Without, Aldersgate, Middlesex, baker.

*July 22 at 10, before Mr. Commissioner LAW.*

*Edward Harvey*, Little Smith-street, Westminster, Middlesex, in no business.—*Thomas Vass*, Page's-walk, Bermondsey, Surrey, cowkeeper.

*July 23 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Clack*, Princess-st., Lisson-grove, St. Marylebone, Middlesex, jobbing painter.—*John F. Balls*, South-st., Upper Grange-road, Bermondsey, Surrey, commission agent.—*Alfred Whitfield*, Saw-mill Wharf, Copperas-ground, Greenwich, Kent, commission salesman.—*George Tasset*, Cole-harbour-street, Hackney-road, Bethnal-green, Middlesex, out of business.

*July 25 at 10, before Mr. Commissioner LAW.*

*James Searle*, Park-st., Borough-market, Surrey, fruiterer.

*July 25 at 11, before Mr. Commissioner PHILLIPS.*

*Robert Jones*, Harrow-road, Paddington, Middlesex, greengrocer.—*Robert B. Morey*, Clinger-street, Hoxton, Middlesex, out of business.—*Henry James Barchard*, Wandsworth, Surrey, following no trade.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 22 at 11, before the CHIEF COMMISSIONER.*

*Henry Wheeler*, Wells-st., Cripplegate, London, inspector in the Hand-in-Hand Fire Insurance-office.—*Samuel Hodges*, Cecil-court, St. Martin's-lane, Middlesex, military accoutrement maker.—*Richard Dunn*, Esq., York-road, Lambeth, Surrey, and Dublin, Ireland.—*Robert Duffell*, Vauxhall-st., Upper Kennington-lane, Lambeth, Surrey, lamp contractor.

*July 22 at 10, before Mr. Commissioner LAW.*

*Peter Curgewen*, Moreton-st., Pimlico, Middlesex, draper.—*John Jones*, Whitmore-road, Hoxton, Middlesex, builder.—*David Magrath*, Green-street, Stepney, Middlesex, colour dealer.

*July 23 at 11, before Mr. Commissioner PHILLIPS.*

*Samuel Barber*, Halsey-street, Chelsea, Middlesex, carpenter.—*George Cross*, Little James-street, Gray's-inn-lane, Middlesex, saddler.—*John T. Dickens*, Richard-st., High-street, Woolwich, Kent, grocer.

TUESDAY, JULY 12.

#### BANKRUPTS.

**HENRY BATES** and **CHARLES HITCHMAN**, Addle-st., London; Bristol; and Birmingham, straw plait dealers, July 27 at 2, and Aug. 30 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & C. Robinson, 7, Queen-street-place, Upper Thames-street, London.—Petition filed July 8.

**FABIAN STREET**, Barkstone, Poole, coal merchant, July 26 at half-past 2, and Aug. 30 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Aldridge, Poole; Skilbeck, 19, Southampton-buildings, Chancery-lane.—Petition filed July 4.

**CHARLES HALL**, Orchard-st., Portman-square, Middlesex, builder, trader, dealer and chapman, July 27 at half-past 2, and Aug. 30 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed July 11.

**WILLIAM GAMBLING**, Southampton, builder, dealer and chapman, July 28 at 1, and Aug. 18 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Hodgson, Birmingham; J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed June 14.

**FREDERICK FRANCIS FOX**, Cornhill, London, tailor, dealer and chapman, July 22 at half-past 12, and Aug. 26 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Reed & Co., 59, Friday-street; Cheapside.—Petition filed July 11.

**WILLIAM WINTER**, Hawkhurst, Kent, builder, innkeeper, dealer and chapman, July 22 and Aug. 26 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed July 6.

**JOSEPH PERES**, Scarbro-street, Tenter-ground, Goodman's-fields, Middlesex, tailor, dealer and chapman, July 22 and Aug. 27 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition filed July 6.

**THOMAS KEMP** and **EDMUND KEMP**, Stratford-upon-Avon and Pillerton Hersey, Warwickshire, painters, plumbers, and glaziers, dealers and chapmen, also Thomas Kemp being a dealer in curiosities at Stratford-upon-Avon, July 25 and Aug. 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Lane, jun., Stratford-upon-Avon; Hodgson, Birmingham.—Petition dated July 11.

**DAVID FARRAR BOWER**, Rawcliffe, Yorkshire, flax scutcher, July 22 and Aug. 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. J. & H. Richardson & Gaunt, Leeds.—Petition dated July 4.

**JOSEPH ABBOTT**, late of Gorton, but now of Reddish, Manchester, grocer and beer-house keeper, July 23 and Aug. 12 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Sale & Co., Manchester.—Petition filed July 7.

**THOMAS TAPLEY**, Liverpool, stonemason and builder, July 26 and Aug. 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Grocott, Liverpool.—Petition filed June 30.

#### MEETINGS.

*Wm. Wood* the younger, Birmingham, builder, July 27 at 12, District Court of Bankruptcy, Birmingham, last ex.; Aug. 17 at 12, aud. ac.; Aug. 24 at 12, div.—*John Malley*, Lancaster, silversmith, July 26 at 12, District Court of Bankruptcy, Manchester, last ex.—*George Benden*, Bristol, glass dealer, July 22 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*John Power* and *John Wallace*, Liverpool, merchants, July 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac., and Aug. 4 at 11, div. sep. est. of *John Power*.—*Hugh Henry Ross*, Liverpool, draper, July 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 4 at 11, div.—*M. Cox*, Liverpool, grocer, July 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Latham*, Shelton, Stoke-upon-Trent, Staffordshire, shoemaker, Aug. 17 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 24 at 12, fin. div.—*Wm. Coleman*, Coventry, chemist, Aug. 17 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 24 at 12, fin. div.—*Daniel Dale*, Kidsgrove, near Tunstall, Staffordshire, builder, Aug. 17 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 24 at 12, div.—

*John Muckleston* the younger, Shrewsbury, Shropshire, grocer, Aug. 2 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 24 at 12, fin. div.—*Thomas Brock*, Kingston-upon-Hull, potato merchant, July 27 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; Aug. 3 at half-past 12, div.—*Nathaniel Mence*, Worcester, brewer, Aug. 2 at 1, Court of Bankruptcy, London, div.—*G. Clapham*, Whittlesea, Cambridgeshire, watchmaker, Aug. 2 at 12, Court of Bankruptcy, London, div.—*Philip Rufford*, *Francis Rufford*, and *Charles John Wragge*, Stourbridge, bankers, Aug. 6 at 10, District Court of Bankruptcy, Birmingham, aud. ac., and Aug. 13 at 10, div. sep. est. of *Francis Rufford*.—*Walter Marson*, Wolverhampton, Staffordshire, draper, July 23 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 6 at 10, div.—*Edward Goldsmith*, Nottingham, tailor, Aug. 12 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Wm. Butterworth*, Mansfield, Nottinghamshire, grocer, July 29 at 10, District Court of Bankruptcy, Nottingham, aud. ac.; Aug. 12 at 10, div.—*J. Patterson*, Atherstone, Warwickshire, market gardener, July 23 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 6 at 10, div.—*George Hirst*, Horncoat, Foolstone, Kirkburton, Yorkshire, manufacturer, Aug. 2 at half-past 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas D. Stearn*, Ipswich, Suffolk, plumber, Aug. 2 at half-past 12, Court of Bankruptcy, London.—*Wm. Puford*, Long Sutton, Lincolnshire, cordwainer, Aug. 12 at 10, District Court of Bankruptcy, Nottingham.—*J. Roberts*, Stratford-upon-Avon, Warwickshire, builder, Aug. 17 at 12, District Court of Bankruptcy, Birmingham.—*Thomas Brock*, Kingston-upon-Hull, potato merchant, Aug. 3 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*Wm. H. Gough*, Barton, Gloucestershire, builder.—*Wm. Minchener*, Cheapside, London, warehouseman.—*R. Smith*, Preston, Lancashire, corn merchant.—*John Broome*, Birmingham, licensed victualler.

## PARTNERSHIP DISSOLVED.

*W. Dyson Hitchin* and *Charles Gleadall*, Halifax, Yorkshire, attorneys and solicitors, (under the firm of Hitchin & Gleadall).

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Benjamin Wallis*, Tostock, Suffolk, grocer, July 26 at 11, County Court of Suffolk, at Stowmarket.—*George Calyer*, Stanton, Suffolk, blacksmith, July 25 at 10, County Court of Suffolk, at Bury St. Edmunds.—*George Withers*, West Bromwich, Staffordshire, iron turner, July 20 at 9, County Court of Staffordshire, at Oldbury.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 27 at 11, before the CHIEF COMMISSIONER.*

*James Adams*, Esenden, near Hatfield, Hertfordshire, grocer.

*July 27 at 10, before Mr. Commissioner LAW.*

*Wm. R. Hardy*, Ordnance-road, St. John's-wood, Middlesex, upholsterer.

*July 28 at 11, before Mr. Commissioner PHILLIPS.*

*Theodore Walsh Samuda*, Albion-cottages, Havill-street, Camberwell, Surrey, clerk to an accountant.

*Saturday, July 9.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Thos. Atkins*, Chick-row, Putney, Surrey, plumber, No. 63,671 T.; *Joseph Obbard*, assignee.—*W. Chapman*, Chingford-hatch, Essex, publican, No. 63,747 T.; *John Patten*, assignee.—*Henry A. Hart*, Lamb's Conduit-street, Middlesex,

linendrapier, No. 63,631 T.; *Joseph Davison*, assignee.—*W. Elliott Williams*, Gravesend, Kent, shopman to a grocer, No. 76,645 C.; *John Stapp*, assignee.—*John M. Cormick*, Manchester, provision-shop keeper, No. 76,583 C.; *John Cope*, assignee.—*H. Brooke*, Wicker, Sheffield, Yorkshire, whitesmith, No. 76,691 C.; *Robert White*, assignee.—*J. Bickers*, Thirsk, Yorkshire, painter, No. 76,602 C.; *Thomas J. Foggitt* and *John Whitwell*, assignees.—*Abram Wrigley*, Saddleworth, Yorkshire, clothier, No. 76,598 C.; *John Shaw*, assignee.

*Saturday, July 9.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Nathan M. Solomon*, Red Lion-street, Holborn, Middlesex, out of business: in the Queen's Prison.—*Solomon Jacobs*, Fitzroy-place, Hampstead-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*J. Mawson*, High-street, Poplar, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*E. M. Adams*, Old Manor-street, Chelsea, Middlesex, proprietor of the Tradesman's Journal: in the Debtors Prison for London and Middlesex.—*Joel Millward*, Windsor-terrace, Pimlico, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Philip Rogers*, Agnes-terrace, Shoreditch, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Jas. Pattie*, Charles-street, Hatton-garden, Middlesex, travelling bookseller: in the Debtors Prison for London and Middlesex.—*Wm. Bateman*, Twickenham-common, Twickenham, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Peter Finlay Bordenave*, Allsop-terrace, New-road, Middlesex, in no trade: in the Queen's Prison.—*Thos. Gallaway*, Fulham-place, Paddington-green, Middlesex, superannuated officer of Excise: in the Debtors Prison for London and Middlesex.—*James Gilbert*, Paul-street, Marylebone, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Thos. Barrow*, Walton-street, Chelsea, Middlesex, out of business: in the Queen's Prison.—*Septimus Stephens*, Great Union-street, Borough-road, Surrey, out of business: in the Gaol of Surrey.—*John P. Brust*, Royal-road, Kennington-common, Surrey, baker: in the Gaol of Surrey.—*Benjamin B. Anthony*, Denbigh-street, Pimlico, Middlesex, clerk to an accountant: in the Queen's Prison.—*John Bridges*, Admiralty-terrace, Vauxhall-road, Pimlico, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*E. J. Henson*, Maddox-street, Regent-street, Middlesex, milliner: in the Debtors Prison for London and Middlesex.—*John Faiers* the elder, Wellington-place, Holloway, Middlesex, hairdresser: in the Debtors Prison for London and Middlesex.—*John Ward*, Warser-gate, Nottingham, tailor: in the Gaol of Nottingham.—*Herbert Young*, Birmingham, out of business: in the Gaol of Warwick.—*Charles F. Isbill*, Hockering, Norfolk, farmer: in the Gaol of Norwich.—*Moses Rowland*, Dinas, Llantrisant, Glamorganshire, collier: in the Gaol of Cardiff.—*Wm. Nichols Knight*, Nottingham, grocer: in the Gaol of Nottingham.—*Benjamin Burgess*, Birmingham, plumber: in the Gaol of Coventry.—*Wm. Holloway*, Birmingham, jeweller: in the Gaol of Coventry.—*Wm. Hood*, Birmingham, commission agent: in the Gaol of Coventry.—*Daniel Jeremy*, Llansamlet, Glamorganshire, butcher: in the Gaol of Cardiff.—*George Wilde*, Merthyr, Glamorganshire, pawnbroker: in the Gaol of Cardiff.—*William Airey*, Rochdale, Lancashire, plasterer: in the Gaol of Lancaster.—*James Wood*, Greenheys, Manchester, grocer: in the Gaol of Lancaster.—*John Lewis*, Wainmanhir, Swansea, Glamorganshire, collier: in the Gaol of Cardiff.—*Flinton Clarkson*, Kingston-upon-Hull, corn dealer: in the Gaol of Kingston-upon-Hull.—*John Cantliffe*, Todmorden, Yorkshire, tanner: in the Gaol of York.—*S. Broadrick*, Bridlington Quay, Yorkshire, fisherman: in the Gaol of York.—*Henry Denton*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Michael Holmes*, Sheffield, Yorkshire, excavator: in the Gaol of York.—*J. Hutchinson*, Bridlington Quay, Yorkshire, fisherman: in the Gaol of York.—*John Lyon*, King's Cliff, Bridlington Quay, Yorkshire, fisherman: in the Gaol of York.—*Arthur Miles*, Bridlington, Yorkshire, fisherman: in the Gaol of York.—*John Burgess*, Manchester, out of business: in the Gaol of Lancaster.—*Samuel C. Mellor*, Uttoxeter, Staffordshire, agent to a fire and life insurance office: in the Gaol of Stafford.—*Richard Bonser*, Manchester, baker: in the Gaol of Lancaster.—*John*



*Dewhurst*, Clayton-le-Dale, near Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*William Haworth*, Marsden, near Burnley, Lancashire, out of business: in the Gaol of Lancaster.—*Andrew Hilton*, Dunkinfield, near Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*Samuel Clackerty*, Wolverhampton, Staffordshire, out of business: in the Gaol of Stafford.

(On Creditor's Petition).

*Edwin Hutchinson*, Monkwearmouth Shore, Durham, timber merchant: in the Gaol of Lancaster.—*Wm. Whiteley*, Colne, Lancashire, clogger: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 26 at 11, before the CHIEF COMMISSIONER.*

*Wm. Ray*, Church-row, Sutton-street, Commercial-road East, Middlesex, out of business.—*Ellen Miles Wastell*, spinster, North-end, Croydon, Surrey, out of business.—*Wm. Wilson*, William-st., Park-road, Holloway, Middlesex, traveller in the colour trade.—*Thomas W. Marshall*, High-st., Hounslow, Middlesex, omnibus driver.—*William Pickett*, Mortimer-st., Cavendish-sq., Middlesex, dairyman.

*July 26 at 11, before Mr. Commissioner PHILLIPS.*

*Michael Dean*, Tothill-st., Westminster, Middlesex, marine store dealer.

*July 27 at 10, before Mr. Commissioner LAW.*

*Sidney Gale Bower*, Park-terrace, Park-road, Old Kent-road, Surrey, wine merchant.—*William Alderman*, Mount Pleasant-lane, Clapton, Middlesex, baker.

*July 28 at 11, before Mr. Commissioner PHILLIPS.*

*Charles F. Higgins*, Newland-street, Belgrave-sq., Pimlico, and Lower Sloane-st., Chelsea, Middlesex, in no employment.—*Carl F. T. M. Reuter*, Park-place, High-road, Lee, Kent, merchant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Glamorganshire, at CARDIFF, July 26.*

*John Lewis*, Wainmanhir, Swansea, collier.—*G. Wilde*, Merthyr Tydvil, pawnbroker.—*Daniel Jeremy*, Llansamlet, butcher.—*Moses Rowland*, Dinas, Llantrissant, collier.

*At the County Court of Norfolk, at NORWICH, July 29 at 10.*

*Charles Fisher Isbill*, Hockering, farmer.

*At the County Court of Nottinghamshire, at NOTTINGHAM, Aug. 25 at 9.*

*William S. Cooley*, Snelinton, hosier.—*Wm. N. Knight*, Nottingham, grocer.

INSOLVENT DEBTORS' DIVIDENDS.

*George Bainbridge*, North Hylton, Durham, shipbuilder: 8½d. in the pound.—*Wm. Dredge*, Mount Pleasant, East-road, City-road, Middlesex, carpenter: 6s. 6d. (making 15s. 11d.) in the pound.—*Charles Choak*, Frederick-street, Mile-end-road, Middlesex, master mariner: 1s. 1¼d. (making 4s. 6½d.) in the pound.—*Thomas C. Sherwin*, Clarendon-square, St. Pancras, Middlesex, commander in the Royal Navy on half-pay: 4s. 6d. (making 20s.) in the pound.—*Joseph Marsh Blacklock*, Priory-place, Priory-road, South Lambeth, Surrey, clerk in her Majesty's War-office, Whitehall: 1s. 11¼d. in the pound.—*Thomas Bell*, Pakenham-st., Gray's-inn-road, Middlesex, compositor: 1s. 6¼d. in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

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#### SOLICITORS' AND GENERAL LIFE ASSURANCE

SOCIETY, 52, Chancery-lane, London.

At the Seventh Annual General Meeting of the Shareholders, held at the Gray's Inn Coffee-house on Tuesday, the 31st day of May, 1853, William Murray, Esq., in the Chair, it appeared by the Directors' Report, that during the current year 203 Policies had been issued, assuring 93,023*l.*, producing in Annual Premiums 3,058*l.*

That the number of existing Policies was 1,065, assuring.. £480,910  
Producing in Annual Premiums .. 16,153

That the Annual Income of the Society was .. 18,548  
That a very careful and minute valuation of the assets and liabilities of the Society on the 31st December last had been made, in which each Policy had been separately valued.

That although the Investments had hitherto yielded from 4 to 5 per cent., and might fairly be expected, for many years to come, to produce 4 per cent. at least, the Actuary, in his valuation, had, for the purpose of avoiding exaggeration, assumed the funds of the Society would not be improved at a higher rate of interest than 3 per cent.

That no portion of future profits on existing Policies had been anticipated for this division, although the present value thereof is 41,009*l.* 15s. 5d.

That the total Assets of the Society on the 31st December last were .. £252,288 7 8  
And the Liabilities of all kinds .. 212,257 8 3

Shewing a balance in favour of the Society of .. 40,030 15 9  
From which deducting Shareholders' paid-up capital of .. 25,000 0 0

A net surplus of .. £15,030 15 9 remained to the credit of the General or Assurance Fund, and was applicable by way of bonus to the different parties interested. Of this surplus 9,770*l.* is to be distributed among the Participating Class of Policyholders, and the residue of 5,250*l.* 18s. 6d. is divisible in equal parts among the Shareholders and those who had introduced assurances to the Society. That the holders of Participating Policies receive no less than 80 per cent. of the profits arising from assurances effected on that scale; and the remaining profits, instead of being, as usual in other companies, appropriated exclusively to the Shareholders, were in this Society divided between the Shareholders AND THOSE THROUGH WHOM POLICIES HAD BEEN INTRODUCED, the Shareholders having by the Deed of Settlement consented to relinquish A MOEITY of their proportion of the profits, with a view to the extension and prosperity of the Office, and without in any manner prejudicing the interest of the Assured.

That the gross Profits which had arisen would enable the Proprietors to declare a Reversionary Bonus of from 1½ to upwards of 2½ per cent. per annum on the amount assured, and equivalent, in some cases, to upwards of 61 per cent. on the amount of Premiums paid; to declare a dividend of 2s. 7½d. per Share on the Shares of the Society, being an immediate Cash Bonus of 10½ per cent. on the paid-up Capital, in addition to the interest of 4 per cent. per annum hitherto paid to the Shareholders; AND ALSO TO DECLARE AN EXTRA COMMISSION OF 72 PER CENT. ON THE COMMISSIONS ALREADY PAID ON THE PREMIUMS RECEIVED FOR ASSURANCES.

CHARLES JOHN GILL, Secretary.

N.B.—The future Divisions will be triennial, and all Policies will be entitled to participate in four-fifths of the Profits after payment of one Premium only, and will be issued free of Stamp Duty to the Assured.

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# The Jurist

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JULY 23, 1853.

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LONDON, JULY 23, 1853.

THE doom of the ecclesiastical courts is suspended for a season, but it is not the less certain. Another session may elapse, but assuredly two sessions will not pass without the remodelling, perhaps the total absorption of those courts.

Of course, upon the subject of the reformation of the ecclesiastical courts various opinions are entertained: some are for sweeping them away *brevis manu*, as a monstrous nuisance, and transferring all their business bodily to the courts of law; some prefer the Court of Chancery as the whirlpool that is to suck them into its vortex. On the other hand, of those connected with the ecclesiastical courts, some deprecate nearly all interference with them, clinging to them with the fondness with which an eminent conveyancer is said to have clung in years gone by to common recoveries, and devoutly believing that with the dislocation of the ecclesiastical courts must fall the glory of England. There are not wanting for all these different views specious arguments, nor is either of them, separately, wholly devoid of exaggeration and fallaciousness. Let us take, for instance, the arguments of several learned civilians in support of the preservation of the existing system. The evidence on this subject is collected in an able pamphlet by Mr. Pritchard, one of the most eminent, we believe, of the proctors in Doctors' Commons\*.

That gentleman says, "There is yet another consideration upon which it appears of the utmost import-

ance to uphold the testamentary jurisdiction of the Courts of Doctors' Commons. In a great maritime and commercial country like Great Britain, the maintenance of a learned and skilful Bar, well versed in the principles of international law, is indispensable, not only to secure a competent tribunal to administer in time of war the law of prize, but also to provide her Majesty's Government at all times with the best legal advice and assistance in the construction and preparation of treaties, and the correct maintenance of its extensive and varied relations with foreign powers. Such a Bar has hitherto always been found amongst the advocates of Doctors' Commons practising in the Court of Admiralty. That Bar has fostered and developed amongst our English civilians talent of the highest order, and produced men of whom their country may well be proud. Foremost amongst these I need only name the late Lord Stowell, whose luminous and eloquent decisions may justly be said to have formed and perfected the prize code of modern nations, and to have earned for him an undying fame. The Bar of the Court of Admiralty, relied upon for these important public results, is mainly supported, in time of peace, by the practice of the testamentary and matrimonial courts of Doctors' Commons. If that practice should be destroyed, or transferred to the Court of Chancery, the consequence would inevitably be, that the Admiralty Bar would cease to attract the talent and industry of first-rate men, and would gradually deteriorate, and ultimately fall into decay—a consequence the more to be deplored since the great improvements that have been made in that court, and the increased number of suitors that have, in consequence, sought its aid."

\* Reform of the Ecclesiastical Courts, &c. By W. Pritchard, Esq. Benning, 1853.

And he then refers to the evidence of several learned civilians, of whom we will quote two. Dr. William Adams says, "By such a transfer (the transfer to the Court of Chancery) the Prerogative Court would be abolished altogether. One of the mischiefs ensuing will be this, that it will abolish the Bar of civilians as a separate profession altogether. I can state confidently, from having practised a great many years in the Profession, that the business of the Prerogative Court furnishes nine-tenths of the profits of the advocates in time of peace. Their profits from other sources could not keep them together; and it depends upon keeping that Profession together in time of peace, that the Government has, in time of war, a Profession who can give them competent advice on subjects of a public nature occurring in time of war. If this Bar are permitted to disperse themselves, which they inevitably would do were the Prerogative business taken away, the Government will be in a great difficulty, and without a remedy. On this account alone I think the abolition of the Prerogative Court would be a great public mischief." And Dr. Lushington says, "I think also that without this branch of the business (the testamentary) the Admiralty Court must necessarily be left totally and entirely without any practitioners; and it is then for the Committee to consider whether it would be possible in any other way to supply the deficiency which would be thus occasioned with relation to the very great and important interests which are disposed of in the Admiralty Court during the period of a war. I beg here to observe, that I think no one can exaggerate the importance of the Admiralty Court during the time of war, whether you look at the immense amount of property which is to be disposed of, or you look at the fatal consequences which would necessarily follow from any gross error being committed by the judge, or from any improper practices creeping into the administration of the law at that time. No man acquainted with that subject can, I am sure, overrate the extreme importance of accurate practice and knowledge with respect to that branch of our jurisprudence. Unless some means could be devised whereby a supply of sufficient advocates could be insured during this period, unquestionably a very considerable risk and great injury would arise."

So that here we have three eminent gentlemen, two counsel and one proctor, all contending for the preservation of the testamentary jurisdiction. And why? In order, during time of peace, when the Courts of Admiralty have but little business, to find employment for civilians learned in admiralty matters! If practising in the testamentary courts kept up admiralty learning, there might be something in the argument; but, as the matter stands, the argument is much the same as if one were to contend for employing naval officers during peace on the Stock Exchange, or anywhere else, lest we should lose their valuable services when war comes. That the Government may have, during time of war, a Profession which can give them competent advice on subjects of a public nature occurring during time of war, will depend upon the studies necessary for giving that advice being in themselves, or as connected with other business, such as to attract men of ability. If testamentary business requires as its groundwork such knowledge as qualifies a man for admiralty business, then, whether transacted in Doctors' Commons or elsewhere, whether by an exclusive corps of civilians, or by the general Bar or a portion of it, there will be sufficient men qualified to give the Government advice when the time arrives. If it does not, the preservation of the Prerogative Court will not preserve practitioners qualified for admiralty business.

Mr. Collier's plan, of transferring the whole testamentary jurisdiction to the Courts of common law, appears to us, on the other hand, to be as inconsistent with the spirit of modern legislation as the preserva-

tion of the existing courts. The matter in dispute in the contentious litigation of the Prerogative Court is, in principle, the same as the matter in dispute at law, in an issue *deviseavit vel non*, or in a dispute in equity, whether a deed shall be set aside on the ground of fraud, pressure, or incapacity; the question is always, was a particular instrument executed in proper form? has it the technical qualities that it should have? was it executed by a person having capacity to execute it? Now, these are questions with which the machinery of every superior court is adapted in some way to deal; and if there be in any court, as now constituted, better machinery than in another, the course of modern legislation is not to give exclusive jurisdiction to the one Court, but to improve the machinery of the other.

The only question at this day, in distributing jurisdiction, should be the convenience of the suitor; and that would be best answered by giving the ecclesiastical jurisdiction, which will have to be transferred from the existing courts, indifferently to the Courts of common law and equity. What we should suggest would be, that those Courts should have concurrent jurisdiction in all matters testamentary; that is, that it should be at the option of the parties to commence their litigation in any superior court; and that the cause so commenced should be transferable, at the desire of the parties, from either court to the other, in the same manner as a cause, commenced now in one Vice-Chancellor's court, may be transferred to another. For example, suppose a suit commenced in a court of common law to try the validity of a will—it may chance, that either from the principal witnesses being in London, or from the circumstance of a suit being necessary to administer the trusts of the will, if it is valid, it would be more convenient, when the cause is ripe for hearing, to hear it in Chancery; or, on the other hand, such a cause might be commenced in Chancery, and it might be found, in its progress, that it would be far more convenient to try it at Liverpool, or any other town, when the court of common law is there. In either case the cause should be transferable. But there should be no confining the institution of a suit to any of her Majesty's superior courts.

Our space prevents us continuing this subject; we shall resume it on some future occasion, when it is likely again to be brought before the public.

#### WHETHER A CHARGE OF DEBTS ON REAL ESTATE AUTHORISES THE EXECUTORS TO SELL.

In the case of *Mather v. Norton* (16 Jur., part 1, p. 309) a testator made his will substantially in the following terms:—"I appoint F. M. and W. B. to be my executors, and my wife my executrix, in trust to dispose of my property in the following manner, viz. I direct that all my just debts and funeral and testamentary expenses be discharged by my executors and executrix, and the residue of my property, both real and personal, to be held by my executors and executrix for the sole benefit and use of maintaining and educating my children, until my youngest child arrives at the age of twenty-one years. At such time it shall arrive at the age aforesaid, then all my property, both real and personal, whatsoever and wheresoever, to be disposed of by my executors and executrix, and divided amongst my children equally, except my estate in Mellor, which I give to my wife, to hold and enjoy during her life, and at her decease to be sold and disposed of among my children." The widow and her co-executors entered into a contract for the sale of the estate at Mellor, and the purchaser having objected that they had no power of sale, Sir J. Parker, V.C., on a claim for specific performance, held that the exe-

cutors and executrix had a power of sale, and made a decree for specific performance, with costs. His Honor said this must be taken to be a devise of property in fee to executors, all charged with debts. There was no doubt that the real estate was charged with the debts, and for the purpose of giving effect to that charge the executors must take a present interest in both the real and personal estate. That was a trust that could not be performed without their having the estate, and the exception of the estate at Mellor must be taken to be an exception, not out of the general devise in trust for payment of debts, but out of the devise of the residue to be left after the debts should be paid.

On the other hand, in the case of *Doe d. Jones v. Hughes* (6 Exch. 223) (which was cited in *Mather v. Norton*) it was held that the executor did not take a power of sale under a will by which the testator "subjected and made liable all his real and personal estate with the payment of his just debts, funeral and testamentary expenses, and charges thereon, and the legacy thereafter bequeathed;" and subject thereto, and to the payment thereof, the testator made several specific devises, but did not dispose of the estate in question. Parke, B., said, "It was contended, on behalf of the defendant, that the effect of a charge of the real estates with debts was to give to the executrix an implied power of sale. But upon a due consideration of all the cases, it is perfectly clear that not one of them bears out that proposition. One class of cases shews, that by a devise to trustees of the real estate charged with the testator's debts, the trustees have thereby imposed upon them the duty of raising money to pay those debts; for as the estate is given to them, they can, through the means of the estate, raise money for the payment of those debts. Another class of cases decides, that if, from the whole purview of the will, it appears to have been the intention of the testator that his real estate should be sold, and the proceeds of that real estate are to be distributed for the purpose for which it is given, which the executors alone by law could perform, then there is an implied power given them by the will to sell the estate, and that the executor, who is to distribute the money, is to sell the estate. Several cases were cited which confirm this proposition, and among them *Forbes v. Peacock*, (11 M. & W. 637). But upon looking through the cases, not a single authority is to be found which says that a simple charge of the estate with the payment of the debts does more than make a charge upon the estate in the hands of the devisee if the estate is devised, or upon the estate in the hands of the heir-at-law if the estate devolves upon him by the law of inheritance. The only authority which bears the aspect of giving the executor an implied power to sell under such circumstances is the doctrine of Sir L. Shadwell, V.C., in *Forbes v. Peacock*, which was twice before him, and also before this Court. On one of those occasions the Vice-Chancellor is reported (12 Sim. 541) to have said—'If a testator charges his real estate with the payment of his debts, that *prima facie* gives his executor power to sell the estate, and to give a good discharge for the purchase money. That was all I decided on the argument of the demurrer.' If that be correctly reported, it would imply that the Vice-Chancellor was of opinion that a simple charge of the estate with payment of debts, without more—without any terms in the will indicating an intention on the part of the testator that the estate should be sold—was an implied authority given to the executor to sell. But that would be a solitary authority, because there is none other to be found that goes to the same extent. But the Vice-Chancellor is merely stating what he decided before, when the case of *Forbes v. Peacock* was first before him." (The learned Baron then proceeded to shew that the decision on the demurrer in *Forbes v. Peacock* proceeded on different grounds).

It is apparent that there is some want of harmony between the two cases stated above. In *Mather v. Norton* the testator certainly did not in terms devise his real estate to his executors in trust to pay debts. He appointed executors "in trust to dispose of my property in the following manner." So far there was no devise of all the real estate, and it is clear that if there had followed only trusts relating to specific estates, no disposition of the real estate generally, and no charge of debts, the trustees would have taken no estate in the realty not specifically mentioned. But there was a subsequent direction to dispose of all the property for division among the children, at a time which had not arrived when the sale took place. That direction satisfied the words at the commencement of the will, "in trust to dispose of my property in the following manner," and rendered it unnecessary to imply an immediate power to sell for debts, in order to give an operation to those words. In fact, those words meant nothing more than this—"In trust to do what they are hereinafter directed to do," or "In trust to execute my will." The power of sale, therefore, if given at all, was given by the direction that the executors should pay the debts, and that "the residue of the property, both real and personal," should be held by them upon the trusts mentioned. Now, that there was a devise of the residue of the real estate to the executors is clear; but the Vice-Chancellor expressly held that it was only the residue left after paying debts; which implies that the devise and trust to sell for payment of debts must be sought in the direction that the executors should pay the debts and hold the residue. So that the decision amounts to this—that a direction to executors to pay debts, coupled with an intimation that the real estate is to be liable to the debts, and a devise of the residue of the real estate, after payment of debts, to the executors, gives them a power of sale for payment of debts; and the distinction between *Mather v. Norton* and the case in the Exchequer is simply in the circumstance, that in the one case the executors took the legal estate for purposes ulterior to the payment of debts, and in the other case they did not—a distinction alluded to in the judgment of Parke, B. Such a distinction does not seem to be founded on any intelligible principle. When it is considered that the power of the Statute of Wills is sufficient to give effect to every intention of the testator, however imperfectly expressed, or even when merely implied, it must be seen that the decision in *Doe d. Jones v. Hughes* proceeded upon reasoning which cannot properly be applied to the construction of a testamentary instrument. It is a well-established rule of construction, that effect is to be given to every lawful intention of a testator which can be collected by necessary implication from the words he has used, however informal or incomplete the expression of intention may be. Thus, a devise to the testator's heir after the death of A. gives to A., by necessary implication, an estate for life, if there is no residuary devise which would pass that estate. So, an authority to trustees to sell an estate which is not devised to them, or an expression of intention that they shall sell, implies a devise to the purchaser. Now, when the testator expresses an intention that his real estate shall be applicable to the payment of his debts, he expresses an intention that it shall, if necessary, be sold for that purpose. The difficulty arises from his omitting to say by whom. Now, if he leaves the real estate to descend to his heir-at-law, it is impossible to suppose that he could have meant his heir to sell, for the heir takes neither estate nor office under the will. Yet the testator meant a sale, and in that case it seems to be clear, that the power of sale—though not necessarily the legal estate, (see *Hawker v. Hawker*, 3 B. & Al. 637)—must be in the person whose duty it is to pay the debts—the executor; for it cannot be supposed that

the testator intended a Chancery suit for the purpose of realising the charge. (See *Elliot v. Merryman*, Barnard. 81). Suppose the will made in articulo mortis, the heir an infant. Again: if the real estate, subject to the charge, is devised in strict settlement, it is equally clear that the power of sale must be in the executors. Why, then, should the power be elsewhere when the legal estate and beneficial interest, subject to the charge, are devised to a person sui juris in fee? Or when, as frequently happens, the whole of the real estate is charged with debts, and then different portions of it are specifically devised to different persons, can it be supposed that the testator intended to intrust the payment of his debts to the various devisees, having conflicting interests—being indeed objects of his bounty, but not being persons in whom he has expressed any confidence as trustees? Again: suppose that part of the real estate is specifically devised, and part descends to the heir, all being charged with debts; that which descends ought to be first applied, but the heir is not contemplated by the will.

Let us now see to what extent this reasoning has been adopted by authority. Lord St. Leonards, in the *Treatise on Powers*, (vol. 1, p. 139, 7th ed.), states, as a result of the cases, a proposition which goes to the full extent of what we have been urging:—"It appears, therefore, to be settled, that a power in a will to sell or mortgage, without naming a donee, will, if a contrary intention do not appear, vest in the executor, if the fund is to be distributable by him, either for the payment of debts or legacies; and it seems, that whilst the chain remains unbroken, the power, until exercised, will go from him to his executors. (*Forbes v. Peacock*, 11 M. & W. 630; 12 Sim. 528). And if the produce of the real estate is blended with the personal estate, the power to sell will vest in the executors by implication. (*Tylden v. Hyde*, 2 Sim. & S. 238)." The authorities amply justify that deduction. (See *Shep. Touch.* 43; *Perk.* 547; 15 Hen. 7; 2 Sugd. Pow., App., No. 1; *Kei.* 436; 2 Leon. 220, pl. 276; *Anon.*, Dy. 371 b; S. C., nom. *Milward v. Moore*, Sav. 72, where a man excepted out of a devise his manor of Ridgway, which he appointed to pay his debts, and made two executors, and died, and it was held that the surviving executor could sell; S. C., cit. 1 Andr. 145). In *Tylden v. Hyde* (2 Sim. & S. 238) the substance of the will was as follows:—"The residue of my property, both landed and personal, I desire may be converted into money, lodged in Government securities, and divided into four parts or shares, the interest of one share to be given &c. I request that R. T., and Sir H. M., and Sir T. M., Capt. M., and Sir J. and Major W. T. will act as executors to this my last will and testament." Three only of the executors proved and acted in the trusts of the will; and Sir J. Leach, V. C., held, against a purchaser, that they had power to sell, observing, that where "there is a general direction to sell, but it is not stated by whom the sale is to be made, then if the produce of the sale is to be applied by the executors in the execution of their office, a power to sell will be implied to the executors." (See also, to the same effect, *Elton v. Harrison*, 2 Swanst. 276, note; *Newton v. Bennet*, 1 Bro. C. C. 135; *Carvil v. Carvil*, 2 Ch. Rep. 301; and *Blatch v. Wilder*, 1 Atk. 420). In *Ward v. Dixon* (10 Sim. 160) the whole will was as follows:—"Sell all off, both real and personal property, and divide the produce between my wife, M. A. Ward, and my sons and daughters, each to share alike. The law gives the house at T. to the youngest son, but it is my will to sell all. I appoint Mr. R. W., my brother, and my wife, M. A. Ward, my executors." It was held by Sir W. Grant (12 Sim. 536) that the executors could sell the real estate. In *Pitt v. Pelham*, (1 Ch. Cas. 176; 1 Lev. 304), where the real estate was directed to be sold after the death of the executrix, and the proceeds were not

directed to be distributed with the personalty, and there was no charge of debts, the heir was directed to sell; for as the executrix took no power in her lifetime, her executrix could take none. But in *Cook v. Fountain* (3 Swanst. 593) it was said that the heir was decreed to join, in *Pitt v. Pelham*, only to avoid scruples and to raise the price. (See *Uvedall v. Uvedall*, 3 Atk. 118). In *Bentham v. Wiltshire* (4 Mad. 44) the testator gave an estate to Hannah Barrett for life, provided she did not marry, and after her death he directed it to be sold (without saying by whom) by auction, and he gave the proceeds among certain persons, and appointed Hannah Barrett and another his executors. The tenant for life and her co-executor sold before the time had arrived. All the parties interested in the proceeds joined, but the purchaser required the concurrence of the heir; and Sir J. Leach, V. C., held that the heir was a necessary party, adverting to the fact that the time for sale had not arrived, but mainly relying on the circumstance that the proceeds of the sale were not, in terms or by implication, divisible by the executors. But as the power of sale had clearly not arisen, this part of the judgment cannot be ranked higher than a dictum. It appears that the heir could not be found, and the purchase went off. (1 J. & W. 193). *Pitt v. Pelham* differed from *Bentham v. Wiltshire* in this—that in the latter case the sale was necessarily to take place after the death of the surviving executor. In *Patton v. Randall* (1 J. & W. 189) the real estate was by an inartificial will devised to the testator's children, subject to the guardianship and management of the executors, and in case two of the adult children should disapprove of the management, the estate, with the furniture of the house and the wines, were to be sold, and several annuities were charged on the real estate or the produce of the sale. The executors sold, and in the opinion of Sir T. Plumer, M. R., prematurely, even if they had had the power to sell in any case; but the Court also held, that, as the legal estate was devised to the children, the executors could not have power to sell. To the objection that the testator evidently intended that the sale might (or rather must) take place, if at all, during the minority of one at least of the children, his Honor answered, "That is true; he has done what must postpone the sale till they come of age. But if a testator will give property to minors, and order a sale of it, that cannot authorise the Court to substitute by implication executors or trustees in their place, and to take away the power of sale from one and give it to another." It is submitted that this decision is unquestionably wrong. As a mere grammatical question, it was clear that the executors, who were to manage the estate, were also to sell it, and the furniture and land were to be sold, and the proceeds distributed together—circumstances which, on the authorities, are alone sufficient to vest the power of sale in the executors. The heir could not sell, for the estate did not descend to him; the devisees could not sell, for the sale was only to take place during the incapacity of one or more of them. There was never a clearer case of a power of sale in the executors. The devise of the legal estate to the children was wholly immaterial, as a power of sale in the executors would enable them to overreach that estate by a bargain and sale—as in *Barrington v. The Attorney-General* (Hardr. 419) and *Newton v. Bennet*, (1 Bro. C. C. 138), where Lord Thurlow held, that though the executors took a mere power of sale, and the legal estate descended to the heir, the real estate was equitable assets\*. (See *Allum v. Fryer*, 3 Q. B. 446). In *Curtis v. Fulbrooke*, (13 Jur. 1044; 19 L. J., Ch., 65; 8 Hare, 29), Sir J. Wigram,

\* See *Kenrick v. Beauchert*, (3 B. & P. 179), where Lord Alvanley, C. J., appears to have forgotten the machinery of powers.

V.C., on a question as to the parties to a suit, expressed an opinion that the executors took a power of sale by implication, though there was no charge on the proceeds of the sale, and no fusion with the residuary personality. But his Honor afterwards desired to be understood as having expressed no opinion on the point, further than that the executors were proper parties. (8 Hare, 278; see *Haydon v. Wood*, 8 Hare, 279, note). In *Forbes v. Peacock* (12 Sim. 536, 541) the Vice-Chancellor said, "If a testator charges his real estate with payment of his debts, that *prima facie* gives his executor power to sell the estate, and to give a good discharge for the purchase money."

In *Forbes v. Peacock* (11 M. & W. 630) the testator first directed his debts to be paid. He gave a freehold house to his wife for life, with liberty to sell it in case a good offer should be made, and invest the proceeds for her benefit for life. In a subsequent part of the will he desired that at the death of his wife the residue of his estate might be collected, including the proceeds of the house, if not previously sold, to be then disposed of and divided as follows, &c. He appointed his wife and two others executors. After the death of the widow, the Court of Exchequer, on a case sent to them from the Court of Chancery, held, that whether there were unpaid debts or not, the surviving executor had power to sell and convey the house.

The authorities above cited clearly establish two points: first, that where there is a charge of debts, and the executors take the legal estate, they have a power to sell; secondly, that where the testator says the real estate shall be sold, but does not say by whom, the executors shall sell, and can give a good legal equitable title, if the proceeds of the sale are charged with debts, or are applicable in aid of or divisible with the personality. The case of *Ball v. Harris* (4 My. & C. 266) is an authority, if any were wanting, for the deduction that a charge of debts implies a power of sale. There was a charge of debts on the real estate by general introductory words, and a devise of real estate to trustees, who, with the widow, were executors; and Lord Cottingham, C., treated it as clear that a charge of debts authorises a sale, and added, "that although the point in some of the cases was, whether the purchaser was bound to see to the application of the purchase money, the decision that he was not assumes that the sale was authorised by the charge in the will of the debts upon the estate; that is, that the charge of the debts upon the estate was equivalent to a trust to sell for the payment of them. This case, indeed, is free from the difficulty which has occurred in some others, for Harris is devisee in trust of the legal fee; and it being established that the will charges the estate with the payment of the debts, it follows that Harris, being trustee for that purpose, must have the power of executing the trust." This observation points at a distinction which may or may not be sound, namely, that when the estate is expressly devised to trustees, and there is a charge of debts, the power of sale is in the trustees, and not in the executors, if they are different persons. It would seem to be the sounder conclusion, that in every case where a power of sale is implied for a purpose connected with the ordinary duties of executors, and no person is named to exercise it, it should be taken to be in the executors or administrators.

In *Gooding v. Carter* (1 Coll. 648) the testator first directed his debts to be paid, and then gave all his real and personal estate to his wife for life, and after her death, directed a sale of his real and personal estate by his executor. Sir J. L. Knight Bruce, V.C., relying on the general scope of the particular will, held that the widow (who was executrix) and the executor had power to sell the real estate for payment of debts, but considered that the question whether there was a legal power, so as to render the concurrence of the heir un-

necessary, was one of too great nicety and difficulty to be decided against the purchaser. After citing *Shaw v. Borrer*, (1 Kee. 576), his Honor said, "I do not here collect that the Master of the Rolls held that the existence of a legal devise of the fee under the will was an essential ingredient in his decision. I think that a similar remark applies to the observations of Lord Cottingham in *Ball v. Harris*. In that case the wife (the co-executrix with Harris) was not devisee of the land. Harris was sole devisee, and was also executor. If the devisee was the person to sell, Harris would have been the only person to receive the money. If the executors were the persons to sell, then Harris and the widow were the persons to receive the money, and Harris and the widow did receive the money. If payment ought to be made to one, it was not necessarily a good payment to make that payment to one and another; and *Ball v. Harris* seems to me to involve the decision, that it was the executors who were to sell, and not the devisee. I repeat, therefore, that I cannot help thinking that in these cases the existence of a legal estate under the will was not considered as essential to the decision."

Lastly, in *Stroughill v. Anstey*, (1 De G., M., & G. 647), Lord St. Leonards, C., in commenting on *Ball v. Harris*, said, "This case introduces the very proper distinction, that where there is a general trust without a mode of raising charges, or where, by force of the charge itself, there is an implied trust to raise it, and the estate itself is disposed of subject to that obligation, (*which must be a power to sell*), then the charge may be raised by mortgage as well as by sale."

In *Mather v. Norton*, cited at the commencement of this article, the frame of the will favoured the construction that the executors took the legal estate, and not a mere power of sale; but where there are no special circumstances, it is, we submit, a necessary result of the authorities, (with which *Doe d. Jones v. Hughes* cannot be reconciled), that a mere charge of debts on the real estate authorises the executors to sell, and to vest the legal estate in the purchaser. G. S.

### London Gazettes.

FRIDAY, JULY 15.

#### BANKRUPTS.

JOSEPH DICKESON, Horsemonger-lane, Newington, Surrey, licensed victualler, and Bassishaw-chambers, Basinghall-st., London, auctioneer, July 27 at 11, and Aug. 30 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Breeze, 3, Great Knight Rider-st., Doctors' Commons, London.—Petition filed July 1.

WILLIAM QUINTON, Leather-lane, Middlesex, butcher, dealer and chapman, July 28 and Aug. 30 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Thompson, 18, Sise-lane, Bucklersbury, London.—Petition filed July 14.

JOHN HAMMOND, Birmingham, builder, dealer and chapman, July 27 and Aug. 24 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated July 12.

RICHARD LATHBURY, Burton-upon-Trent, Staffordshire, grocer, tea dealer, dealer and chapman, July 25 and Aug. 15 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Bass, Burton-upon-Trent; E. & H. Wright, Birmingham.—Petition dated July 6.

#### MEETINGS.

*Bogos Mirasyedi*, Manchester, merchant, July 28 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Moss Samuel*, Castle-st., Houndsditch, London, dealer in watches, July 26 at 12, Court of Bankruptcy, London, aud. ac.—*E. T. Blakely*, Norwich, shawl manufacturer, July 29 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Andrew Love* and *Charles Keys*, Liverpool, looking-glass manufacturers, July 29 at 11, District Court of Bankruptcy, Liverpool, aud.

ac.; Aug. 5 at 11, div.—*Nathaniel Birrell Gibbs*, Connaught-terrace, Edgeware-road, Middlesex, chemist, Aug. 6 at 12, Court of Bankruptcy, London, div.—*William Crowley*, Newport Pagnell, Buckinghamshire, wheelwright, Aug. 6 at 11, Court of Bankruptcy, London, div.—*Robert Brennan*, Addle-st., Wood-st., London, warehouseman, Aug. 9 at 1, Court of Bankruptcy, London, div.—*Thos. Brock*, Kingston-upon-Hull, coal merchant, Aug. 3 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, (and not Leeds, as before advertised), div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Edwards*, Brighton, Sussex, builder, Aug. 12 at 12, Court of Bankruptcy, London.—*John G. Hartley* and *Wm. J. Reed*, Princes Dock, Rotherhithe, Surrey, and New-street and Fore-street, Limehouse, Middlesex, shipwrights, Aug. 8 at 12, Court of Bankruptcy, London.—*George Ireland*, Old Church-street, Paddington, Middlesex, bricklayer, Aug. 8 at 1, Court of Bankruptcy, London.—*Robert Brennan*, Addle-street, Wood-street, London, warehouseman, Aug. 9 at 1, Court of Bankruptcy, London.—*Thomas Hillman*, Worthing, Sussex, wine merchant, Aug. 5 at 12, Court of Bankruptcy, London.—*Thos. Foster*, Barge-yard, Bucklersbury, London, wine merchant, Aug. 5 at 2, Court of Bankruptcy, London.—*George Hirst*, Horncoast, Foolstone, Kirkburton, Yorkshire, manufacturer, Nov. 7 at 11, District Court of Bankruptcy, Leeds.—*Edward Ridley*, Liverpool, tailor, Aug. 8 at 12, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Wm. Raynam*, Ladbroke-road, Notting-hill, Middlesex, builder.—*Joseph Loader*, Pavement, Finsbury, London, upholsterer.—*H. Copper*, Gravesend, Kent, licensed victualler.—*John L. Mumford*, Stoke Gabriel, Devonshire, miller.—*Wm. A. Sparrow*, Liverpool, metal broker.—*Joshua Taylor*, Manchester, power-loom cloth manufacturer.—*Michael Cox*, Liverpool, grocer.

#### SCOTCH SEQUESTRATION.

*Charles Hill*, Esq., deceased, Luthrie, Creich, Fifeshire.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Francis Dodds*, Holmes, Spalding Moor, Yorkshire, joiner, July 27 at 10, County Court of Yorkshire, at Howden.—*Charles Copcutt*, Aylesbury, Buckinghamshire, butcher, July 26 at 10, County Court of Buckinghamshire, at Aylesbury.—*John Fright*, Faversham, Kent, tin-plate worker, Aug. 19 at 12, County Court of Kent, at Faversham.—*Richard Wanestall*, Sittingbourne, Kent, baker, Aug. 20 at 10, County Court of Kent, at Sittingbourne.—*Joseph White*, Doncaster, Yorkshire, cabinet maker, Aug. 1 at 12, County Court of Yorkshire, at Doncaster.—*John Harrison*, Mexborough, Yorkshire, pot painter, Aug. 1 at 12, County Court of Yorkshire, at Doncaster.—*Thomas Ashmore*, Bawtry, Yorkshire, tinner, Aug. 1 at 12, County Court of Yorkshire, at Doncaster.—*John Mayes*, Norwich, coal merchant, July 29 at 10, County Court of Norfolk, at Norwich Castle.—*David Nockall*, Norwich, grocer, July 28 at 10, County Court of Norfolk, at Norwich Castle.—*James Page*, Norwich, innkeeper, July 28 at 9, County Court of Norfolk, at Norwich Castle.—*James Davis*, Ashton Keynes, Wiltshire, baker, July 29 at 12, County Court of Wiltshire, at Swindon.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 29 at 11, before the CHIEF COMMISSIONER.*

*J. Whittingham*, Werrington-st., Oakley-square, Somers-town, Middlesex, butler in a family.

*July 29 at 10, before Mr. Commissioner LAW.*

*Thomas Furley*, Lucas-street, Commercial-road East, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 29 at 11, before the CHIEF COMMISSIONER.*

*John Robinson*, Gould-square, Crutched-friars, London,

proprietor of a literary institution.—*James Ingham*, Corrugated-row, Queen's-road, Grange-road, Bermondsey, dealer in twine.—*Samuel Ray*, Ashby-cottages, Croydon, Surrey, carpenter.—*E. Gregory*, Mary-street, Hampstead-road, and Quickset-row, New-road, Middlesex, carver.—*T. Crompton*, Spencer-street, Cross-street, Islington, Middlesex, and Lethbury, London, stockbroker.—*Geo. Wm. Applin*, Princes place, Kennington-cross, Surrey, builder's clerk.—*Robt. William Cook*, Jubilee-street, Mile-end, Middlesex, master mariner.—*J. Cadell*, Great Union-street, Borough-road, Surrey, general dealer.

*July 29 at 10, before Mr. Commissioner LAW.*

*John Dawson*, Grotton-terrace, Green-st., Bethnal-green, Middlesex, out of business.—*Jane Trotter*, widow, Seymour-street, Easton-square, Middlesex, in no business.

*Aug. 1 at 11, before the CHIEF COMMISSIONER.*

*James Pattie*, Shoe-lane, Fleet-street, London, travelling bookseller.—*Edw. M. Adams*, Old Manor-street, Chelsea, Middlesex, proprietor of the Tradesman Journal.—*Edmund J. M'Gill*, St. Ann's-terrace North, Royal-crescent, Notting-hill, Middlesex, tailor.

*Aug. 1 at 10, before Mr. Commissioner LAW.*

*E. H. Longstaff*, High-street, Camden-town, Middlesex, surgeon.—*John Dexter*, Montague-place, Montague-street, Whitechapel, Middlesex, ostler.—*Edward J. Costor*, York-terrace, Old Kent-road, Southwark, Surrey, baker.—*George Mosley*, Ladbroke-gardens East, Notting-hill, Bayswater, Middlesex, beadle of St. Barnabus Church, Bayswater.

*Aug. 1 at 11, before Mr. Commissioner PHILLIPS.*

*George Ball*, Alpha-cottages, Old Kent-road, Surrey, carpenter.—*John Gyles*, Barnsbury-grove, Barnsbury-park, Islington, Middlesex, shoemaker.—*Robert Joseph Hastings*, Cottage-road, Eaton-square, Pimlico, Middlesex, carpenter.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*John M' Cormick*, Manchester, provision-shop keeper, No. 76,583; *John Cope*, assignee.—*Thomas Pownall*, Hindley, near Wigan, clogger, No. 76,649; *John White*, assignee.—*J. Calvert*, Lancaster, retailer of beer, No. 76,679; *Thos. Roosa* and *Robert Clark*, assignees.—*John Shaw*, Chorlton-upon-Medlock, Manchester, painter, No. 76,706; *M. Atkinson*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, July 29 at 10.*

*John Greenwood*, Burnley, huckster.—*Wm. Bonney*, Poulton-le-Sands, near Lancaster, contractor.—*Wm. D. Kitchen*, Lane-ends, Tonge-with-Haulgh, Bolton-le-Moors, grocer.—*Edmund Allonby*, Hawkhead, out of business.—*T. Stieratt*, Kearsley, near Bolton-le-Moors, drysalter.—*John Dewhurst*, Clayton-le-Dale, near Blackburn, out of business.—*J. Burgess*, Manchester, out of business.—*Andrew Hilton*, Dukinfield, near Ashton-under-Lyne, out of business.—*Thomas Dale*, Manchester, tallow chandler.—*Wm. Farrow*, Lower Grange, near Bacup, labourer.—*Nicholas H. Delamere*, Liverpool, coal dealer.—*George Smyth*, Tranmere, near Liverpool, book-keeper.—*James Wood*, Manchester, grocer.—*James Edward Dawson*, Chorlton-upon-Medlock, Manchester, money scrivener.—*Wm. Airey*, Rochdale, plasterer.—*Joseph Horsfield*, Manchester, builder.—*James A. Harding* the younger, Old-field Brow, Altrincham, near Manchester, accountant.—*Joseph Dailry*, Oldham, letter-press printer.—*Richard Bonser*, Manchester, baker.

*At the County Court of Essex, at CHELMSFORD, Aug. 4 at 12.*

*Wm. Robinson*, Leigh, near Southend, fisherman.

TUESDAY, JULY 19.

#### BANKRUPTS.

**BENJAMIN BELL**, formerly of Newcastle-upon-Tyne, coal merchant and timber merchant, dealer and chapman, afterwards of Notting-hill-square, and now of Piccadilly, Middlesex, July 30 at 12, and Aug. 20 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry, London.—Petition dated June 8.



**BENJAMIN ROLFE and BEAUFOY ALFRED MOORE**, Sackville-street, Piccadilly, Middlesex, tailors, dealers and chapmen, July 30 at 1, and Sept. 2 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. James, 9, Staple-inn, Holborn.—Petition dated July 18.

**GEORGE DEXTER**, Egham, Surrey, corn and coal dealer, dealer and chapman, July 28 at 1, and Aug. 27 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Woolls, Uxbridge, Middlesex; Paterson, 7, Bouverie-street, Fleet-street.—Petition filed July 18.

**JOSEPH ARCHIBALD JOYCE**, Old Broad-st., London, merchant and commission agent, dealer and chapman, July 28 and Aug. 27 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Heath, 11, Artillery-place West, Finsbury.—Petition filed July 8.

**EPHRAIM LEVY GREEN**, Bevis Marks, London, wholesale clothier, dealer and chapman, July 28 and Sept. 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sole & Co., 68, Aldermanbury; Reed & Co., 59, Friday-street, Cheapside, London.—Petition filed July 15.

**HENRY CHOWN**, St. Swithin's-lane, London, and Croydon, Surrey, wine merchant, dealer and chapman, Aug. 1 at 11, and Sept. 6 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cooper & Hodgson, 3, Verulam-buildings, Gray's-inn, London.—Petition filed July 18.

**HENRY AUSTEN DRIVER**, Moorgate-street, London, stationer, dealer and chapman, Aug. 2 at 2, and Sept. 6 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Hewitt, 6, Nicholas-lane, London.—Petition filed July 18.

**BENJAMIN CLARK**, Gloucester-terrace, Hyde-park-gardens, Middlesex, dentist, dealer and chapman, (lately trading with Andrew Clark and James Merryweather under the style of Clark & Sons, as dentists, in Brook-st., Middlesex), Aug. 1 at 2, and Sept. 6 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Taylor, 19, Old Burlington-street, London.—Petition filed July 6.

**WILLIAM POWIS**, Somerset-place, Hoxton, Middlesex, spinner and bell-rope manufacturer, Aug. 1 at 1, and Aug. 30 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklebury, London.—Petition filed July 8.

**SAMUEL CLARKE**, Exeter and Torquay, Devonshire, toymen, hardwareman, dealer in boots and shoes, china, glass, and fancy merchandise, dealer and chapman, July 27 at 11, and Sept. 1 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Force, Exeter.—Petition filed July 14.

**ROBERT RIMMER**, Southport and Seaforth, Lancashire, builder and brickmaker, dealer and chapman, Aug. 1 and 23 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casanova; Sols. Frodham, Liverpool; Johnson, Southport.—Petition filed July 11.

#### MEETINGS.

*Charles Parkinson Benj. Laing*, London, and Dominica, master mariner, Aug. 1 at half-past 2, Court of Bankruptcy, London, pr. d.—*John G. Hartley* and *Wm. Jubilee Reed*, Horseferry-road, Limehouse, Middlesex, chemical manufacturers, Aug. 8 at 12, Court of Bankruptcy, London, aud. ac.—*Nathaniel B. Gibbs*, Connaught-terrace, Edgeware-road, Middlesex, chemist, July 29 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Wm. Crowley*, Newport Pagnell, Buckinghamshire, wheelwright, July 29 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Wm. Friday*, Rochester, Kent, miller, July 29 at half-past 1, Court of Bankruptcy, London, aud. ac.—*D. E. Hedger*, City-road, Middlesex, watch manufacturer, July 29 at 2, Court of Bankruptcy, London, aud. ac.—*E. Smith*, South Shields, Durham, line-draper, Aug. 2 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Aug. 10 at half-past 11, div.—*Hannah Overend*, Popplewell in Scholes, Cleckheaton, Birstal, Yorkshire, card maker, Aug. 8 at 12, District Court of Bankruptcy, Leeds, aud. ac.—*Geo. Shortfried Rutherford* and *S. Russell*, Sheffield, Yorkshire, Britannia metal manufacturers, July 30 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*John Longbottom*, Leeds, Yorkshire, machine manufacturer, Aug. 2 at 12, District Court of Bankruptcy, Leeds, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Clark*, Cambridge, gun maker, Aug. 9 at 1, Court of Bankruptcy, London.—*Wm. Nicholson*, Shotleybridge, Durham, timber merchant, Aug. 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.

*To be granted, unless an Appeal be duly entered.*

*Thomas Matthew Bowden*, Old Brentford, Middlesex, basket maker.—*William Martin*, Hertford-bridge, Elvetham, Southampton, smith.—*Wm. Reading*, Charles-street West, Paddington, Middlesex, builder.—*Robert Willmott*, Peterborough, Northamptonshire, tailor.—*Andrew C. Larkum*, Silver-st. and King-st., Greenwich, Kent, coffee-house keeper.—*Wm. Serrell Oaks*, Longfleet, Poole, painter.—*Alexander Bristow Fraser*, Lime-st., London, merchant.—*Enoch Joshua Burford*, Bermondsey-square, Surrey, salt merchant.—*F. Rolfe*, Great Marlborough-st., Middlesex, tailor.—*Benjamin Bunting* the elder, *Benjamin Bunting* the younger, and *R. Durrant*, Norwich, tallow chandlers.—*Richard Milner*, Darlington, Durham, timber merchant.—*John Joseph Smith*, Stockton-upon-Tees, Durham, shipowner.—*Henry Carrington*, Mile-end, near Stockport, Cheshire, nurseryman.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Daniel Rodway*, Cheltenham, Gloucestershire, shoemaker, Aug. 30 at 10, County Court of Gloucestershire, at Cheltenham.—*James Lane*, Cheltenham, Gloucestershire, assistant bailiff, Aug. 30 at 10, County Court of Gloucestershire, at Cheltenham.—*W. Savage Iggulden*, Marden, Kent, butcher, Aug. 2 at 12, County Court of Kent, at Maidstone.—*Wm. Parker*, Bletchington, Oxfordshire, castrator, Aug. 15 at 10, County Court of Oxfordshire, at Oxford.—*John Parsons*, Melcombe Regis, Dorsetshire, plasterer, Aug. 11 at 10, County Court of Dorsetshire, at Weymouth.—*Wm. Horsfield*, Bishop Burton, Yorkshire, tailor, July 29 at 11, County Court of Yorkshire, at Beverley.—*J. P. Ferguson*, Gravesend, Kent, waterman, Aug. 6 at 10, County Court of Kent, at Gravesend.—*John Chapman*, Bishop's Hatfield, Hertfordshire, bricklayer, July 27 at half-past 10, County Court of Hertfordshire, at St. Albans.—*Thomas Inance*, Tangiers, Radburton, Pembrokeshire, railway labourer, Aug. 12 at 10, County Court of Pembrokeshire, at Haverfordwest.—*Henry Abbott*, Wisbech St. Mary, Cambridgeshire, farmer, July 29 at 12, County Court of Cambridgeshire, at Wisbech.

*Saturday, July 16.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*J. Crampton*, Salford, Lancashire, butcher, No. 74,409 C.; *James Green* and *Samuel Sagar*, assignees.—*Henry Harrison Green*, Kingston-upon-Hall, boat builder, No. 76,318 C.; *J. Godfrey* and *Richard Bell*, assignees.—*Wm. Burgess*, Pendleton, near Manchester, plumber, No. 76,457 C.; *T. English*, assignee.—*T. Appleby*, Nettlebed, Oxfordshire, shoemaker, No. 76,541 C.; *John Philbrick*, assignee.—*Richard Oxley*, Hythe, Kent, out of employment, No. 76,714 C.; *Thomas Jordan Coleman* and *John Page*, assignees.

*Saturday, July 16.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Sier*, Cannon-street, St. George's-in-the-East, Middlesex, retailer of beer: in the Debtors Prison for London and Middlesex.—*Geo. Parsons*, Upper James-st., Camden-town, Middlesex, hairdresser: in the Debtors Prison for London and Middlesex.—*Geo. Birch* the younger, Lower Brunswick-terrace, Barnsbury-road, Middlesex, clerk in holy orders: in the Debtors Prison for London and Middlesex.—*Jas. Ewen*, Hercules-buildings, Westminster-road, Surrey, assistant to a ginger beer manufacturer: in the Gaol of Surrey.—*G. Amery*, Asylum-terrace, Asylum-road, Old Kent-road, Surrey, coachmaker: in the Gaol of Surrey.—*Wm. Gilbert V. Barnwell*, Devonshire-street, Portland-place, Middlesex, not in any business: in the Queen's Prison.—*H. Kirk*, Portland-terrace,



St. John's-wood, Middlesex, not in any occupation: in the Queen's Prison.—*Henry Soden*, Borough-market, Surrey, licensed victualler: in the Queen's Prison.—*Thomas Wing*, Old Brentford, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Geo. Oakley Nash*, Christopher-street, Hatton-garden, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—*David Israel*, Middlesex-street, Whitechapel, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Joseph Phillips*, Mitre-street, Aldgate, City, orange merchant: in the Debtors Prison for London and Middlesex.—*Thomas Sullivan*, Upper Ogle-street, Marylebone, Middlesex, parasol maker: in the Debtors Prison for London and Middlesex.—*Isabella Hambleton*, widow, Cromer-street, Gray's-inn-lane, Middlesex: in the Debtors Prison for London and Middlesex.—*James Clarke*, Sussex-place, Hammersmith, Middlesex, retired captain in the Hon. East India Company's service: in the Debtors Prison for London and Middlesex.—*Evan Coppock*, Wheelton, near Chorley, Lancashire, farmer: in the Gaol of Lancaster.—*James A. Harding*, Altrincham, Manchester, accountant: in the Gaol of Lancaster.—*John Hackett*, Liverpool-street, Lancashire, woollen manufacturer: in the Gaol of Lancaster.—*Joseph Horsfield*, Cheetham, Manchester, builder: in the Gaol of Lancaster.—*James E. Dawson*, Chorlton-upon-Medlock, Manchester, attorney-at-law: in the Gaol of Lancaster.—*Wm. Ferrow*, Lower Change, near Bacup, Lancashire, labourer: in the Gaol of Lancaster.—*John Roberts*, Liverpool, licensed victualler: in the Gaol of Lancaster.—*Geo. Smyth*, Holt-hill, near Tranmere, Liverpool, bookkeeper: in the Gaol of Lancaster.—*Wm. Waters*, Walterston, St. Edrins, Pembroke-shire, out of business: in the Gaol of Haverfordwest.—*John Waters*, Boulston, Pembroke-shire, assistant to a farmer: in the Gaol of Haverfordwest.—*Chas. Wesley Buckingham*, Ipswich, Suffolk, cabinet maker: in the Gaol of Ipswich.—*John Simmons*, Lapford, Devonshire, carpenter: in the Gaol of St. Thomas-the-Apostle.—*Wm. Robinson*, Leigh, Essex, fisherman: in the Gaol of Springfield.—*Nicholas Herbert Delamere*, West Derby, Lancashire, coal merchant: in the Gaol of Lancaster.—*J. Holmes*, Norwood-green, near Halifax, Yorkshire, farmer: in the Gaol of York.—*Edw. Jones*, Liverpool, beer seller: in the Gaol of Lancaster.—*Robt. Harbord*, Great Yarmouth, Norfolk, cowkeeper: in the Gaol of Norwich.—*George Platt*, Little Moor-within-Whitfield, Glossop, Derbyshire, out of business: in the Gaol of Derby.—*Simon Potts*, Brassington, near Wirksworth, Derbyshire, farmer: in the Gaol of Derby.—*Stephen White*, Balstonsborough, near Somerton, Somersetshire, out of business: in the Gaol of Wilton.—*Henry Montague Smythe*, Oldbury, Worcester-shire, attorney's clerk: in the Gaol of Worcester.—*Thomas Llewellyn*, Rhondda-valley, Ystradtefodog, Glamorganshire, carpenter: in the Gaol of Cardiff.—*Samuel Hartley*, Belsover, Derbyshire, butcher: in the Gaol of Derby.—*William Smith*, High-street, Shadwell, Middlesex, victualler: in the Gaol of St. Thomas-the-Apostle, Devonshire.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Aug. 2 at 11, before the CHIEF COMMISSIONER.*

*N. M. Solomon*, Red Lion-st., Holborn, Middlesex, out of business.—*J. W. Rogers*, Fulham-place, Paddington, Middlesex, civil engineer.—*John Bridges*, Admiral-terrace, Vauxhall-road, Pimlico, Middlesex, tailor.—*John Smith*, Church-lane, Battersea, Surrey, out of business.

*Aug. 2 at 10, before Mr. Commissioner LAW.*

*John Henry Mandeville*, Rupert-street, Haymarket, Middlesex, stockjobber.—*Wm. Davis*, Red Lion-st., Spitalfields, Middlesex, potato salesman.—*Charles Stoddart*, Smith-st., Jubilee-street, Mile-end, Middlesex, attorney-at-law.—*Wm. Bateman*, Twickenham-common, Twickenham, Middlesex, out of business.—*George Strutt*, Henry-street, Brixton-road, Surrey, builder.

*Aug. 2 at 11, before Mr. Commissioner PHILLIPS.*

*Peter F. Bordenave*, Alsop-place, Regent's-park, Middlesex, in no profession.—*John Mawson*, High-street, Poplar, Middlesex, out of business.—*William Elton*, Hoxton-square, Middlesex, out of business.—*John Faiers* the elder, Welling-ton-place, Holloway-road, Middlesex, hairdresser.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Aug. 2 at 12.*

*Edward Drew*, Northfleet, attorney-at-law.

*At the County Court of Norfolk, at NORWICH, Aug. 2.*

*Robert Harbord*, Great Yarmouth, cowkeeper.

*At the County Court of Herefordshire, at HEREFORD, Aug. 4 at 10.*

*Wm. Humphrys*, Kington, out of business.

*At the County Court of Pembrokeshire, at HAVERFORDWEST, Aug. 12 at 10.*

*George Williams*, Stainton, farmer.—*John Waters*, New-house, Boulston, farm assistant.—*Wm. Waters*, Walterston, St. Edrins, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Susan Grant*, widow, Union-place, New-road, Regent's-park, Middlesex, out of business: 2s. 10½d. in the pound.—*Bevor Rolls*, Cannon-street, London, plumber: 1s. 4d. in the pound.—*Henry Sharpe*, Church-st., St. John's-wood, Middlesex, assistant to a coachmaker: 2s. 2d. in the pound.—*T. Turton*, Seaton Carew, Durham, brewer's clerk: 1s. 8½d. in the pound.—*James Boreham*, Leader-street, Chelsea, Middlesex, out of business: 20s. in the pound.—*Marianne Wood*, widow, Berners-street, Oxford-street, Middlesex, lodging-house keeper: 9s. 4d. in the pound.—*Richard Edwin Boyd*, Herbert-street, New North-road, Hoxton, Middlesex, accountant: 3s. 1d. in the pound.—*Thomas George Taylor*, Grove-street, Hackney, Middlesex, clerk to the Royal Mail Steam-packet Company: 1s. 11½d. in the pound.—*Abraham Freeman*, Tooley-street, Southwark, Surrey, wheelwright: 2s. in the pound.—*Wm. Hall*, Berkeley-street, Clerkenwell, Middlesex, grocer: 3s. 2d. in the pound.—*E. Wood*, Church-st., Camberwell, Surrey, dealer in china: 3s. 1d. in the pound.—*Wm. Day* the elder, Park-road, Clapham, Surrey, whitesmith: 1s. 4½d. in the pound.

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# The Jurist

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LONDON, JULY 30, 1853.

AN act of so much importance, and involving so many changes in commercial jurisprudence, as the Bankrupt Law Consolidation Act, 1849, (12 & 13 Vict. c. 106), has naturally given rise to many questions upon its construction\*, and we propose to consider those which have arisen upon the class of provisions relating to arrangements by deed. (Sects. 224—229). The object which the Legislature had in view in enacting these clauses appears to have been to enable a debtor and his creditors to settle their own affairs between them; but as it was necessary to bind those creditors who would not sign the deed, it became also necessary to protect their interests. Subject to this protection, the contracting parties were properly intended to have a very wide discretion. It has, however, been decided in the Court of Exchequer Chamber, that the deed of arrangement, although signed by six-sevenths of the creditors, is invalid, unless it provides for the distribution of the whole of the trader's property. (*Talley v. Taylor*, 1 El. & Bl. 521; 17 Jur., part 1, p. 130; 21 L. J., Q. B., 346; overruling *Talley v. Taylor*, in the Queen's Bench, 16 Jur., part 1, p. 59; and supporting *Drew v. Collins*, 6 Exch. 670). Of course this decision of the Court of Error has since been followed by the Courts at Westminster. (*Cooper v. Thornton*, 22 L. J.,

Q. B., 145; *Fisher v. Bell*, 21 L. J., C. P., 228; *Bibby v. Larpent*, 20 Law T. 64).

It would seem to be but reasonable, and in accordance with the spirit of the provisions in question, that if six-sevenths of the creditors in number and value, whose debts amount to 10*l.* and upwards, think an arrangement conducive to the interests of the general body of creditors, although it may leave a trader a portion of his property, and yet not pay his creditors 20*s.* in the pound, such an agreement should be carried into effect by the Court. The decisions to the contrary seem to proceed upon the ground that it would be unjust to bind the remaining one-seventh, and the creditors under 10*l.*, by any agreement which did not distribute the whole of the estate; and also upon sect. 228, whereby the creditors are to have the "same rights respectively as to set-off, mutual credit, lien, and priority, and joint and separate assets shall be distributed in like manner as in bankruptcy." The Court of Queen's Bench were of opinion that these words simply meant, that in the case of partners making such an arrangement, the course adopted as to the joint and separate assets of bankrupt partners should be followed.

It would seem, however, that if the deed thus disposes of all the property, the mode of distribution may be left to the creditors by the deed, and need not precisely follow the mode adopted in bankruptcy. (See *Phillips v. Surridge*, 1 Lownd., M., & P. 458; and *Drew v. Collins*, 6 Exch. 670, 685, 688). In *Phillips v. Surridge*, Wilde, C. J., said, "Is it not the spirit of the act, that the creditors shall be protected by such trusts as they think best? The statute does not refer to a deed with any particular clauses, but uses words which may apply to many kinds of deeds, shewing the general nature of the arrangements between traders and their creditors which were contemplated, and was intended to give the largest discretion to creditors. It

\* See, for instance, *Messon v. Alcard*, (16 Jur., part 1, p. 1090), as to notice, under sect. 221; *Heslop v. Baker* (6 Exch. 740; 15 Jur., part 1, p. 684; 8 Exch. 411) and *Quartermaine v. Bittlestone*, (17 Jur., part 1, p. 281), as to property in the order and disposition of the bankrupt vesting in the assignees only after an order for sale by the commissioners, under sect. 125; *Taylor v. Wilson*, (14 Jur., part 1, p. 336), as to contracts for forbearance of opposition, under sect. 202; and *Oldfield v. Dodd*, (17 Jur., part 1, p. 261; 22 L. J., Ex., 144), as to an act of bankruptcy by admitting part of the debt and denying the residue, where a bond is not given, nor the admitted part paid, under sects. 80—82.

seems to me unnecessary to set out the clauses of the deed, as the statute is entirely silent with regard to any restrictions. It would be perfectly impossible to make a deed containing all the clauses and arrangements necessary for winding up an estate. If that were requisite, it would almost frustrate the intention of the act." And in *Drew v. Collins*, (6 Exch. 685), which is not overruled, but supported, by the decision in the Court of Error, Alderson, B., said, "It may be proper and reasonable under the statute to give the specified number and value of creditors an unlimited power as to the mode in which the estate is to be affected by the distribution, but the whole estate must go to the creditors." (And see per Martin, B., 6 Exch. 688).

A question has been raised whether three months must elapse, after notice of the deed *having been signed by six-sevenths*, before it can be made binding on those who have not signed, under sect. 225; or whether it is not sufficient if those who have not signed have had notice of the deed simply, and before it is signed by six-sevenths, and if the deed is signed by six-sevenths at any time during or at the end of the three months. We understand that Mr. Commissioner Evans has decided\* that the deed must be signed by six-sevenths before the three months begin to run; but we submit that this is not the true construction of sects. 224, 225, and 229. (See also sect. 68).

The granting the certificate mentioned in sect. 225, which is to accelerate the binding effect of the deed before the lapse of the three months, is a judicial act, and may be opposed by creditors. (*Ex parte Lawrence*, 14 Jur., part 1, p. 144).

Although the 224th section states that every deed of arrangement, "*now or hereafter entered into*" &c., shall have the effect therein mentioned, yet it has been held that the section is not retrospective. (*Marsh v. Higgins*, 1 Lownd., M., & P. 253; 19 L. J., C. P., 297). That is, as explained in a later case, it does not apply to deeds *completed* before the act came into force; but it does apply to such instruments as were entered into before, and were inchoate at the time of, the passing of the act, and have been completed since that time. (*Waugh v. Middleton and Another*, 8 Exch. 352).

#### THE BOARD FOR THE CONSOLIDATION OF THE STATUTE LAW.

THE following extracts from papers relating to the Lord Chancellor's Commission for the Consolidation of the Statutes, which were laid on the table of the House of Lords on Wednesday, will be interesting to our readers:—

##### Copy of Note as to the Revision of the Statute Law.

I. The first process will be to ascertain precisely the text of the statute law as it now exists, by determining what statutes have been *repealed*, (expressly or virtually), what have *expired*, and what have become *obsolete* or *unnecessary* in the present state of society. For this purpose a copy of the folio edition of the statutes published by the Record Commission should be used, beginning with the Nova Statuta of Edward III, (see the Report of the Statute Law Commissioners),

and for the later statutes, the quarto edition, making it complete (where statutes are not printed at length) by Queen's printer's copies and from other editions, postponing the question as to examining the copies with the original rolls till it is determined what enactments shall be actually founded on the results of the investigation.

The *revised* statutes will also be noticed, and whether revised intentionally or not, and those also as to which it is *doubtful* whether they are in force or not.

II. The text having been thus examined, a special and detailed report should be made of all the *repealed*, *expired*, and *obsolete* statutes; also of those which appear to have been *revoked unintentionally*, and those which are *doubtful*.

This report will form the groundwork of a declaratory bill to repeal (or confirm) such statutes, to be introduced, if possible, at the end of the present session.

III. All doubts being thus removed, and all unnecessary matter disposed of, the next process will be to devise a plan for a systematic arrangement of the existing statute law according to *subjects*, and to make a *digest*, (translating the Latin and French statutes).

This digest, when made, will be the materials for a consolidation of the existing statutes, and specimens of such consolidation will be prepared in various modes:—

- (a) Merely stating the existing statute law, removing discrepancies, obscurities, and surplusage, and incorporating the effect of judicial decisions.
- (b) Stating completely the law, statute and common, on the subject, with definitions, &c.

IV. The proceedings, after preparing such specimens, may be left for future consideration. If no such consolidations as above suggested are agreed upon, all that should be done as to the existing statutes (after the declaratory enactment before mentioned) will be to supply any deficiencies and remove doubts as to what is in force. What is necessary in this respect will be ascertained in the course of making the digest. In any case (even if no consolidation is attempted) the digest will be very useful as a guide to future legislation, as well in consolidating and altering the law, as in new enactments.

In the digest, the heads already consolidated, (*revenue*, &c.), and also *criminal law*, (unless Parliament decides not to go on with the digest already prepared), may be omitted.

V. Each party engaged in the different branches of the work will bear in mind, that, in addition to the object of rendering the existing statute law clear and consistent, there is another object equally important, namely, to establish, as far as possible, such systematic rules as may insure a like consistency and clearness in future legislation.

##### Copy of a Letter from H. Bellenden Ker, Esq., to the Lord Chancellor.

Lincoln's-inn, May 20, 1853.

My Lord,—In pursuance of your Lordship's directions, I beg to state that the gentlemen appointed by your Lordship to revise and consolidate the statute law, &c. met for the first time on the 2nd of April last, and that we had several subsequent meetings, at which we considered which would be the best mode of proceeding to carry out the objects indicated by your Lordship at the meeting held at your house on the 31st of March.

It was arranged that Mr. Anstey and Mr. Rogers should proceed with a careful examination of the statutes, commencing with the earliest, and should make a list of such as are obsolete or expired, or directly or

\* *Re Gambling*, June, 1853, MS.

virtually repealed, for the purpose of making a report to your Lordship, enumerating those which it might appear advisable at once to repeal or declare repealed, in order to remove so much useless matter from the Statute-book. In these lists great progress has been made, and Mr. Anstey and Mr. Rogers expect to have completed the revision of the whole Statute-book (for the preliminary purpose before mentioned) before the end of the present session.

Mr. Coode has been employed on a critical examination of the statutes on a different system, beginning with the latest statute, for the purpose of ascertaining exhaustively what is the law now in force. This will enable him, when his task is finished, to check and complete the lists of Mr. Anstey and Mr. Rogers.

Mr. Brickdale has been employed in preparing specimens of a digest according to several methods:—1st. A digest of the mere *statute* law. 2nd. A digest of the *whole* law as it now exists, including both statute and common law and the decisions of the Courts, but without introducing any alterations. 3rd. A digest or code introducing such improvements and simplifications as appear desirable, without departing from any general principles of English law. The subject which he has taken is that of distress for rent.

Mr. Anstey is also preparing, as a specimen, a digest of the law relating to insurance; and Mr. Coode is completing a very elaborate, and I conceive very useful, digest of the statutes now in force relating to the poor—a subject with which he has been familiar for some time. It is also proposed that Mr. Rogers shall prepare specimens of a digest of the law relating to bills of exchange.

The object of these specimens will be to give your Lordship the means of judging what will be the comparative value of digests prepared in the several modes above mentioned, and also what amount of alteration of the law will be necessary in order to make it more simple and accessible than it now is.

Mr. Brickdale has also employed a portion of his time in revising the list of repealed and other statutes prepared by Mr. Rogers; and Mr. Anstey's list will be revised in like manner before being submitted to your Lordship.

During the progress of our examination of the statutes the attention of all has been turned to the consideration of what improvements may be introduced in the mode of framing and passing *future* statutes, and especially to the consideration of the different *Clauses Consolidation Acts*, which have been found so useful in diminishing the length and insuring the completeness and uniformity of local and personal acts, with a view to the question whether they may not be rendered more complete, and whether the principle on which they are based may not be extended.

I fully expect that before the end of this session we shall be able to lay before your Lordship for consideration the several matters to which I have above referred.

I have the honour to remain, my Lord,

Your Lordship's faithful servant,

H. BELLENDEN KER.

The Lord Chancellor, &c.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Samuel Hadfield, of Manchester, in and for the county of Lancaster; William Evans, of Coventry, in and for the county of Warwick.

### Reviews.

*A Letter to the Right Hon. Lord John Russell on the Transfer of Landed Property.* By ROBERT WILSON. 8vo. Pp. 74. [Blentarn.]

WE make no apology for recurring so soon to this subject, for though the progress of the Government bill has been arrested, the question is likely for some time to excite more interest and discussion than ever.

The changes made from time to time in their bills by the promoters of Mr. Duval's plan of registration have been unfairly adduced by Lord St. Leonards as proof of imperfection in the development of the plan. In a matter so conventional as registration, considerable variation may be admitted in the details, without sacrificing either principle or convenience; and even an imperfect bill, with a chance of passing, may have sufficient good in it to be preferable to a better which is sure to be rejected. When the question is of shelter, we build a cottage rather than attempt a mansion. We trust, therefore, that Mr. Wilson's present modifications of the scheme, which in 1847 he developed so ably before the Registration Commissioners, will not be treated as an acknowledgment of error. They are obviously concessions made for the purpose of disarming opposition. Mr. Wilson abates something of the continuity of his chain of certificates for the purpose of allowing free play to the equitable doctrine of notices, and of delivering the care of particular interests into the hands of the owners themselves of those interests. We doubt the expediency of this course. Prejudices on the part of landowners in favour of this or that rule of law or practice will be insignificant obstacles to the adoption of any plan of registration. The main source of the opposition is fear of increased expense on the part of landowners and land societies, and fear of loss of professional emoluments on the part of lawyers. The first fear must be overcome by removing all ground for it; and against the effects of the second we can only trust to the goodness of our cause and the support of the laity. Nothing is to be hoped from a compromise. The more Mr. Wilson recommends his plan to unprofessional intelligence, by perfecting its simplicity and efficiency, the more likely he is to triumph over the opposition of his own class.

Mr. Wilson's original proposition was to insist on the absolute power of disposition being at all times vested in some person or persons in existence, or, in the case of death, immediately ascertainable by a court of probate and administration real, subject only to the impediment of the personal incapacity of any registered owner, and to the right of a settlor to vest the protection of his settlement in the Court of Chancery. This was to be done by making (after the difficulties of existing titles had been overcome) the registrar's certificate the sole and conclusive evidence of title to the property described and the estate or interest mentioned in it, and by making the cancellation of the existing certificate, on a change of ownership, an essential preliminary to the granting of a certificate to the new owner. The difficulty of proving a title by descent or devise was to be met by vesting the real estates of a dead man in his administrators or executors real, to be appointed or recognised by a proper Court. Under that plan, the guardianship of executory and contingent estates would be confided to trustees, or to the Court of Chancery, just as is now done in all cases where personal property is settled, and in all cases where settled real property is subjected to powers of sale—that is to say, in almost every case in which executory or contingent interests in real estate are created. Our opinion of this plan, formed after much consideration, is, that it is in the highest degree simple, safe, and

effective, and that the adoption of it, though involving some interference with the formal principles of our law of real property, will not introduce any change at all in its practical working, beyond the removal of a prodigious burthen of complexity, uncertainty, delay, and expense.

The modification of this plan now proposed by Mr. Wilson is to register a title to the freehold in some person or persons in esse, evidenced by certificate, and transferable by indorsement on the certificate, leading to its cancellation and the issuing of a new certificate to the new owner. The registered freehold title is to be taken, in favour of purchasers and others without notice, to be an absolute unincumbered title in fee simple. Notice of an adverse or qualifying title may be obtained by any of the means now recognised in courts of equity; and provision is made for giving notice infallibly by the entry of a claim on the registry. Any person may register a claim against any registered title, at the risk, if the claim be unfounded, of having to pay the expense of a proceeding by summons before the registrar for the removal of the claim. The claim, if founded on any documentary title, e. g. a settlement, is to be accompanied with a copy of the document which is registered. A certificate of the registration of the claim is granted to the applicant. It does not constitute the claimant's title to the interest which he claims, but it carries with it the right to require or consent to the removal of the registered document from the register. The certificate, with that right attached to it, may be transferred by indorsement, cancellation, and renewal, in the same manner as the certificate of title to the freehold. So long as the claim remains on the register, no one can acquire a title, either from the registered claimant or from the registered freeholder, without notice of the registered document, including therefore notice of all the estates created by that document. Thus, the registration of a settlement by a tenant for life, an annuitant, or a younger child, protects all the interests under the settlement, (including those of unborn children), so long as the claim remains on the register. But on the expiration or surrender of the interest in right of which the claim was registered, the registered freeholder may require the claim, and the copy of the document which accompanied it, to be removed from the register. This will be done, after a judicial inquiry by the registrar, if the party in whose name the claim stands for the time being is dead, and his executor or administrator does not consent.

If provision had been made by a will or a settlement, for the registration of a claim in the names of trustees, the registrar would, on an application by the freeholder to have the claim cancelled on the ground of the death of the surviving trustee, require new trustees to be appointed, or would register the settlement in the name of the Court of Chancery, unless (if it should be thought fit to give him such jurisdiction) he were satisfied that there no longer remained any interest under the settlement to be protected; and a will or settlement might expressly exclude any specified claimant or claimants under it from the right to registration of their claim.

On the death of the freeholder, his executor or administrator would represent him for the purposes of the registry; but Mr. Wilson does not seem to have fully developed this part of his present plan.

There is much ingenuity in this plan. It would enable every person to secure for himself, and for those claiming under him, the most complete protection that could be desired—a protection much more complete than is always to be had at present; and at the same time it would leave the title clear of every claim which, from its remoteness or insignificance, from confidence in the freeholder, or from any other cause, might be thought not to require registration. It would prevent

any one from turning, as Mr. Wilson expresses it, "the whole troop of contingent remainders and shifting uses loose into the title, like so many wild beasts, without a keeper." It would furnish the most simple and convenient form for conveyance that can be desired. It would to a great extent put an end to the retrospective investigation of title; and, if we had not already obtained from Mr. Wilson himself the idea of a more perfect contrivance, we should without hesitation recommend the adoption of this.

Our objections to the proposed machinery, or rather our reasons for preferring the old plan to the new one, are, first, that the latter would not work with sufficient ease and certainty; and, secondly, that it would not wholly put an end to the retrospective deduction of title.

To come at once to particulars. Let us suppose that a small estate is devised in settlement, and charged with annuities and legacies, and, as we cannot calculate on a will being always judiciously drawn, even by a professional pen, that no provision is made for registration in the names of trustees, or for preventing registration by any other persons. The will cannot be registered by the executors, unless they are also to have the power of removing it from the register, and that would be to revert to Mr. Wilson's original plan, so far as wills are concerned. If that is not done, and there are no trustees, every claimant under the will must, for his protection, register a claim at once; and it might easily happen that the interests of infants and persons unborn, as well as of persons abroad or having no knowledge of the will, would be wholly unprotected. For though registration of the will by any one claimant would, while it continued, protect all the rest, it is of the essence of the plan that the registered claimant might at any moment remove the will from the register, and immediately afterwards, if the will were not already registered in some other name, the freeholder might defeat it by a sale to a stranger. And in the regular course of proceeding, and without any fraudulent intention, a registered claim might, on the expiration of the particular interest represented by it, be removed from the register, and with it all notice of the will itself, at a time when, from absence, incapacity, want of vigilance, or one of a thousand other conceivable causes, no claimant under the will would be ready to make a new entry. Thus we should be exposed in many cases to a multiplicity of entries, necessarily involving some amount of trouble and expense, and, if founded on mistaken construction, litigation and delay, and in others to insecurity of a kind and degree not easy to be accurately estimated by us, who live under the rule "caveat emptor."

Moreover, the necessity for the removal of claims after the expiration of the interests represented by them would frequently occasion as much inconvenience as exists under the present system. Let the interest of a registered claimant be supposed to be a rent-charge for his own life. Proof of his death, sufficient to satisfy a public officer, must be formally made at the office; presumptive evidence would be rejected; and unless the protection of the executor's title to the arrears, if any, be abandoned, the concurrence of the personal representatives must in every case be obtained, or they must be sought out, their title proved to the satisfaction of the registrar, and notice given to them. In no case could a registered document be got rid of without either the concurrence of the claimant, or proof, according to the strict rules of a public office, necessarily framed with a view to the utmost security, of some death or other fact, often impossible to be proved at all. The refusal of a claimant, whose title either was originally invalid or has ceased, to surrender his claim, is to be met by barring him, after a short notice to prove his title. Even the avoidance of such delay or

of such litigation may occasionally be worth a price; and either the protection of claimants beyond seas must be abandoned, or occasion for still greater delay must be given.

Living titles would frequently be incumbered with the remains of those which had expired. So long as any trifling claim under a settlement or will remains on the register, a purchaser must take up the deduction of title from the time of the execution of the settlement or the death of the testator at the least; and if the settlement refers to any prior title, as a will or a former settlement, (and there is no security against the unskilful, or indeed sometimes almost necessary, introduction of such recitals), the notice conveyed by the register might involve the production and verification of a respectable abstract.

If, then, the new plan would introduce some elements of trouble, expense, and delay, and even, to the unvigilant, of insecurity, which are excluded from the original plan, we are entitled to inquire what is the value of the power of self-protection and of the operation of notice which it is intended to secure? A sufficient answer to this inquiry is to be found in the practice of landowners and conveyancers at the present day, who, by the almost invariable use of powers of sale and indemnity clauses, declare their conviction that all the complicated interests created by settlements, as well of the largest as of the smallest estates, may be safely exposed to risks identical in kind with, but considerably greater in degree than, those to which they would be exposed under Mr. Wilson's original plan.

Mr. Wilson appears to think that the new plan could be more easily brought into operation than the old one, the register of a title as actual freeholder not involving an assertion of absolute title, which might be untrue. But both plans are placed on the same footing in that respect, if we say that the title of a certificate holder under the original plan shall be subject to all the infirmities of the title of the person who first placed the estate on the register.

(To be continued).

## London Gazette.

FRIDAY, JULY 22.

### BANKRUPTS.

STEPHEN DAVEY, Powis-grove, Brighton, Sussex, builder, dealer and chapman, July 30 and Sept. 2 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. May & Sweetland, 14, Queen-square, Bloomsbury.—Petition filed July 15.

EDWARD THOMAS, Ebury-street, Fimlico, Middlesex, builder, dealer and chapman, July 30 and Sept. 2 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Gooday, 1, Brunswick-square.—Petition filed July 20.

MATTHEW POTHECARY, Martin, Wiltshire, sheep salesman, dealer and chapman, Aug. 5 at half-past 12, and Sept. 2 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hannen, Shaftesbury: Bishop & Son, 23, New Bridge-street, Blackfriars, London.—Petition filed July 19.

ALFRED HORLOCK, Northfleet, Kent, steam-engine manufacturer, dealer and chapman, Aug. 3 at 1, and Sept. 6 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lindsay & Mason, 84, Basinghall-street, London.—Petition filed July 2.

JOHN EVANS, Hampton-court, Middlesex, hotel keeper and licensed victualler, Aug. 3 at 12, and Sept. 6 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 20, King's Arms-yard, Coleman-street, London.—Petition filed July 14.

WILLIAM HAINING, Cheltenham, Gloucestershire, grocer, dealer and chapman, Aug. 5 and Sept. 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Abbot & Lucas, Bristol.—Petition filed July 20.

GEORGE ELAND PINDER, York, grocer and tea dealer, dealer and chapman, Aug. 9 and Sept. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Rawson & Best, Leeds; Fry & Loxley, Cheapside, London.—Petition dated July 15.

JOHN IRELAND, Kingston-upon-Hull, draper, dealer and chapman, Aug. 3 and Sept. 7 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Sale & Co., Manchester; J. & H. Richardson & Gaunt, Leeds.—Petition dated July 9.

### MEETINGS.

Isaac Barnett, Napier-street, Ashley-terrace, City-road, Middlesex, out of business, Aug. 4 at 12, Court of Bankruptcy, London, last ex.—Wm. Scott, Percival-st., Clerkenwell, Middlesex, clock maker, Aug. 1 at half-past 2, Court of Bankruptcy, London, last ex.—John Milnes, Rochdale, Lancashire, woolstapler, Aug. 3 at 12, District Court of Bankruptcy, Manchester, last ex.—Stephen Hartley and William Hartley, Tadcaster, Yorkshire, common brewers, Aug. 8 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.—James Broadhead, Scholes, Woldale, Kirkburton, Yorkshire, manufacturer, Aug. 8 at 11, District Court of Bankruptcy, Leeds, aud. ac.—Daniel E. Hedger, City-road, Middlesex, watch manufacturer, Aug. 12 at 12, Court of Bankruptcy, London, div.—Henry Carrington, Mile-end, near Stockport, Cheshire, nurseryman, Aug. 12 at 12, District Court of Bankruptcy, Manchester, div.—Thomas Mucklow, Liverpool, and Duke's-row, New-road, Middlesex, agent, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

John Henderson and Christopher Nanson, Windsor-terrace, Vauxhall-road, Fimlico, Middlesex, cabinet makers, Aug. 12 at half-past 1, Court of Bankruptcy, London.—Alexander Dalrymple, Lime-street, London, merchant, Aug. 13 at 1, Court of Bankruptcy, London.—Richard Faithfull, King-street and George-street, Portman-square, Middlesex, coach builder, Aug. 13 at 1, Court of Bankruptcy, London.—Wm. Brittain, Finchley New-road, Hendon, Middlesex, builder, Aug. 12 at half-past 11, Court of Bankruptcy, London.

To be granted, unless an Appeal be duly entered.

Nathaniel Cobb, Colchester, Essex, auctioneer.—William Wellington and Robert Butterfield, Brighton, Sussex, lace-man.—Wm. Colman, Chesterford, Essex, horse dealer.—John Preston, King's Arms-yard, Moorgate-st., London, woollen warehouseman.—Thomas Ward, Bond-court, Walbrook, London, wine merchant.

### PETITION ANNULLED.

Francis Harrison, Chelmsford, Essex, grocer.

### PARTNERSHIP DISSOLVED.

Edmund Sharp and John Indermaur, Devonshire-terrace, High-street, St. Marylebone, Middlesex, attorneys and solicitors.

### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Wm. Reynolds, Aston, Warwickshire, pearl button manufacturer, July 30 at 10, County Court of Warwickshire, at Birmingham.—Samuel Sheffield, Birmingham, potato salesman, July 30 at 10, County Court of Warwickshire, at Birmingham.—W. Leeson, Tipton, Staffordshire, carrier's clerk, Aug. 19 at 9, County Court of Worcestershire, at Dudley.—Abraham Shaw, Dudley, Worcestershire, tailor, Aug. 19 at 9, County Court of Worcestershire, at Dudley.—B. Dimmock, Rowley, Staffordshire, grocer, Aug. 19 at 9, County Court of Worcestershire, at Dudley.—Edward Lee, Lower Town, Buckfastleigh, Devonshire, cordwainer, Aug. 4 at 11, County Court of Devonshire, at Totnes.—Wm. Burren, Chatham, Kent, toll-gate keeper, Aug. 4 at 10, County Court of Kent, at Rochester.—William Plowright, Cliffe, near Rochester, Kent, blacksmith, Aug. 4 at 10, County Court of Kent, at Rochester.—John Tippen, Chichester, Sussex, general smith, Aug. 3 at 11, County Court of Sussex, at Chichester.—Henry Earwaker Stone, Arundel, Sussex, baker, Aug. 6 at 10, County Court of Sussex, at Arundel.—Charles Harding, Colehill, Wimborne,

Dorsetshire, licensed victualler, Aug. 8 at 11, County Court of Dorsetshire, at Wimborne.—*Wm. Marsden*, Bradfield, Ecclefield, Yorkshire, tailor, Aug. 3 at 10, County Court of Yorkshire, at Sheffield.—*Charles Bealy*, Plymouth, Devonshire, superannuated clerk in her Majesty's Devonport Dockyard, Aug. 10 at 11, County Court of Devonshire, at East Stonehouse.—*George Bull*, Bristol, retailer of beer, July 27 at 11, County Court of Gloucestershire, at Bristol.—*Joseph Mortimer*, Ashton, Lancashire, general draper, Aug. 8 at 10, County Court of Yorkshire, at Huddersfield.—*George Wilkinson*, Huddersfield, Yorkshire, warehouseman, Aug. 8 at 10, County Court of Yorkshire, at Huddersfield.—*David C. Wilkinson*, Stockport, Cheshire, shopkeeper, Aug. 5 at 11, County Court of Cheshire, at Stockport.—*Wm. Cave Legg*, Carlsbrooke, Isle of Wight, Southampton, baker, Aug. 18 at 10, County Court of Hampshire, at Newport.—*Henry White*, Leicester, upholsterer, Aug. 24 at 10, County Court of Leicestershire, at Leicester.—*James Nayler Sands*, Leicester, watchmaker, Aug. 24 at 10, County Court of Leicestershire, at Leicester.—*Wm. Cowdrey*, Brighton, Sussex, tailor, July 30 at 10, County Court of Sussex, at Brighton.—*J. Pownall*, Chapel-en-le-Frith, Derbyshire, shopman, Aug. 5 at 10, County Court of Derbyshire, at Chapel-en-le-Frith.

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

Aug. 2 at 11, before Mr. Commissioner PHILLIPS.

*Adjourned.*

*Thomas Hedgecock*, Hales-place, South Lambeth, Surrey, master in the Royal Navy on half-pay.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Sussex, at LEWES, Aug. 9.

*George Richardson*, Westfield, painter.

At the County Court of Cardiganshire, at CARDIGAN, Aug. 10 at 10.

*George Finch*, Rhydyfynch, Llangedmore, out of business.

At the County Court of Gloucestershire, at GLOUCESTER, Aug. 31.

*Robert Cooper* the younger, Gloucester, out of business.

## TUESDAY, JULY 26.

### BANKRUPTS.

**NATHANIEL BRADFORD PIERPOINT**, Little Pulteney-street, Golden-square, Middlesex, surgeon, dealer and chapman, Aug. 4 and Sept. 6 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Cox, 5, Pinner's-hall, Old Broad-street, London.—Petition filed July 22.

**CHARLES JAMES PLANT**, Goswell-street, St. Luke's, Middlesex, licensed victualler, Aug. 4 at 1, and Sept. 13 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. W. J. & G. Boulton, Northampton-square, Clerkenwell, London.—Petition filed July 15.

**JOHN FIDDAMAN**, Newark-upon-Trent, Nottinghamshire, currier and shoe manufacturer, dealer and chapman, Aug. 5 and 26 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Hodgkinson & Son, Newark-upon-Trent; Rawlins & Rowley, Birmingham.—Petition dated July 22.

**THOMAS CASSON**, Liverpool, coach builder, dealer and chapman, Aug. 5 and Sept. 1 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Rymer, Liverpool.—Petition filed July 23.

### MEETINGS.

*Edward Pass*, Sheffield, Yorkshire, butcher, Aug. 6 at 12, District Court of Bankruptcy, Sheffield, ch. ass.—*Robert Lockyer*, Maidstone, Kent, licensed victualler, Aug. 17 at 11, Court of Bankruptcy, London, aud. ac.—*John T. Davison*, Chatham, Kent, grocer, Aug. 16 at 1, Court of Bankruptcy, London, aud. ac.—*Robert Lambell*, Etham-place, Dover-rd., St. George's, Southwark, Surrey, draper, Aug. 9 at 12, Court of Bankruptcy, London, aud. ac.—*W. Golden*, New Inn-yard, Old Bailey, and Aldersgate-street, London, cheesemonger, Aug. 9 at 12, Court of Bankruptcy, London, aud. ac.—*Henry*

*Carrington*, Mile-end, near Stockport, Cheshire, nurseryman, Aug. 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thomas Hall*, Kingston-upon-Hull, innkeeper, Aug. 17 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and div.—*P. Rufford*, *F. Rufford*, and *Chas. John Wragge*, Stourbridge, Worcestershire, bankers, Aug. 13 at 10, District Court of Bankruptcy, Birmingham, fin. div. sep. est. of *F. Rufford*.—*Thomas Woodward*, Liverpool, butcher, Aug. 17 at 11, District Court of Bankruptcy, Liverpool, div.—*Samuel Clough* and *Wm. T. Clough*, Eccleston, Lancashire, alkali manufacturers, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, div.—*John Heywood* and *James Heywood*, Liverpool, provision merchants, Aug. 17 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *J. Heywood*.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Turner*, Uckfield, Sussex, grocer, Aug. 17 at half-past 1, Court of Bankruptcy, London.—*Edward Jones*, Strand, Middlesex, woollendrapery, Aug. 17 at 1, Court of Bankruptcy, London.—*John Thomas Davison*, Chatham, Kent, grocer, Aug. 16 at 1, Court of Bankruptcy, London.—*Hannah Mathew* and *John Mathew*, Holland-st., Blackfriars-road, Surrey, wheelwrights, Aug. 17 at 2, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*John Spratt*, Sloane-st., and Exeter-st., Sloane-st., Chelsea, Middlesex, coach builder.—*Alfred Dawson*, Charles-st., Mile-end New-town, Middlesex, engineer.—*Joseph Warren*, Ramsgate, Kent, stationer.—*George Manley Wetherfield*, Gresham-st., London, scrivener.

### PETITION ANNULLED.

*John P. Thirkell*, Cranbrook, Kent, farmer.

### PARTNERSHIPS DISSOLVED.

*Thos. Holden*, *John Taylor*, and *Thomas Andrews*, Bolton and Leigh, Lancashire, attornies and solicitors, (so far as regards *John Taylor*).—*John Taylor* and *Thos. Andrews*, Bolton-le-Moors, Lancashire, attornies and solicitors.

### SCOTCH SEQUESTRATIONS.

*John Toshack*, Glasgow, cabinet maker.—*Alexander Bruce*, Auchinblae, Fordoun, Kincardineshire, innkeeper.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Hayes*, Liverpool, shawl cleaner, Aug. 2 at 10, County Court of Lancashire, at Liverpool.—*Edmund Pearson*, Liverpool, traveller on commission, Aug. 2 at 10, County Court of Lancashire, at Liverpool.—*John Thos. Williams*, Liverpool, confectioner, Aug. 2 at 10, County Court of Lancashire, at Liverpool.—*Geo. Dummore*, Irthlingborough, near Higham Ferrers, Northamptonshire, butcher, Aug. 18 at 12, County Court of Northamptonshire, at Wellingborough.—*Robert Poulton*, Derby, bookseller, Aug. 13 at 12, County Court of Derbyshire, at Derby.—*Aaron Lapham*, Cross-y-cellog, Llanvrechva Lower, Monmouthshire, publican, Aug. 16 at 10, County Court of Monmouthshire, at Pontypool.—*T. Easton*, Leigh, Gloucestershire, tailor, Aug. 18 at 10, County Court of Gloucestershire, at Tewkesbury.—*Thos. Newport*, Gloucester, engine driver, Aug. 31 at 10, County Court of Gloucestershire, at Gloucester.—*Eliza Ashwin*, Broadway, Worcestershire, out of business, Aug. 12 at 9, County Court of Worcestershire, at Evesham.—*John Lincoln*, Thompson, Norfolk, general-shop keeper, Aug. 10 at half-past 10, County Court of Norfolk, at Attleborough.—*Frederick Joseph Cawardine*, Newport, Monmouthshire, attorney's clerk, Aug. 10 at 12, County Court of Monmouthshire, at Newport.—*Henry White*, Kingston-upon-Hull, linendrapery, Aug. 5 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*H. Humphreys*, Aberystwith, Cardiganshire, out of business, Aug. 20 at 11, County Court of Carnarvonshire, at Portmadoc.—*Richard Latimer*, Berryedge, Lancashire, Durham, clerk to the Derwent Iron Company, Aug. 19 at 10, County Court of Durham, at Shotley Bridge.—*Edward Walker*, Ingleton Mill, Durham, miller, Aug. 11 at 10, County Court of Durham, at Barnard Castle.—*Chas. Melen*, Kidderminster,



Worcestershire, dealer in flour, Aug. 17 at 10, County Court of Worcestershire, at Kidderminster.

*Saturday, July 23.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Shaw*, Chorlton-upon-Medlock, Manchester, painter, No. 76,706 C.; *Michael Atkinson*, assignee.—*William Gray Cruckley*, Brighton, Sussex, gentleman, No. 61,102 T.; *Henry Melton*, new assignee; *Samuel Charles Bennett*, late assignee, removed.—*Alfred Young*, Rochester, Kent, licensed victualler, No. 76,382 C.; *M'Carthy Stephenson*, assignee.—*Geo. Borrett Mickleburgh*, Red Lion-square, Middlesex, master mariner, No. 63,645 T.; *Henry Gibson*, assignee.—*Daniel Wilson*, Great St. Helen's, Bishopsgate-street, London, out of business, No. 63,758 T.; *William Nye* and *Hippolyte Chansarel*, assignees.—*Edward Fenimore*, Egham, Surrey, tailor, No. 62,925 T.; *Edsall Munt*, assignee.

*Saturday, July 23.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions.)*

*Henry Thelhuson Sanderson*, Newington-crescent, Kensington-road, Surrey, civil engineer: in the Queen's Prison.—*John Marler Chapman*, Steven-street, Bermondsey, Surrey, clerk to the Bermondsey Improvement Company: in the Gaol of Surrey.—*Joseph Jaques*, Cross Key-street, Little Britain, City, foreman to a carman: in the Debtors Prison for London and Middlesex.—*Richard Smith*, Ann-street, Clerkenwell, Middlesex, cowkeeper: in the Debtors Prison for London and Middlesex.—*Michael Kelly*, Buck's-row, Whitechapel, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*George Meaden*, Ratcliffe-row, St. Luke's, Middlesex, chemist: in the Debtors Prison for London and Middlesex.—*James Habbit Comewo*, Morpeth-street, Bethnal-green, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Henry Clarke*, Hillingdon, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*William Cawley*, Grange-road, Bermondsey, Surrey, morocco-leather dresser: in the Gaol of Horsemonger-lane.—*Edward Drew*, Northfleet, Kent, attorney-at-law: in the Gaol of Maidstone.—*Charles Wellington*, Bedwardine, Worcestershire, hairdresser: in the Gaol of Worcester.—*Robert Hancock*, Manchester, grocer: in the Gaol of Lancaster.—*Abel Pimblett*, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Chudley*, Fletchers Combe, Deptford and Harberton, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—*James William Mangleon*, Ketter, out of business: in the Gaol of St. Thomas-the-Apostle.—*George Richardson*, Westfield, Sussex, painter: in the Gaol of Lewes.—*William Thomas*, Edgbaston, Warwickshire, accountant: in the Gaol of Coventry.—*Wm. Thomas*, Haverfordwest, Pembrokeshire, out of business: in the Gaol of Haverfordwest.—*John Jones*, Coytrahen, Llangorroyd, Glamorganshire, blacksmith: in the Gaol of Cardiff.—*R. Marsh*, Preston, Lancashire, provision dealer: in the Gaol of Lancaster.—*Isaac Simon*, Denbigh, stationer: in the Gaol of Ruthin.—*Thomas Gurr*, Rickney, Pevensey, Sussex, labourer: in the Gaol of Dover.—*J. Thomas*, Gloucester, commission agent: in the Gaol of Gloucester.—*John English*, Bootle, near Liverpool, shipwright: in the Gaol of Lancaster.—*Peter Collins*, Liverpool, stevedore: in the Gaol of Lancaster.—*Patrick Collins*, Liverpool, stevedore: in the Gaol of Lancaster.—*Roland John Field*, Birmingham, commission agent: in the Gaol of Warwick.—*Joseph Parker*, Oxford, licensed victualler: in the Gaol of Oxford.—*Henry Hobday*, Folkestone, Kent, baker: in the Gaol of Dover.—*Charles Viner*, South Wood, St. Lawrence, near Ramsgate, Kent, of no profession: in the Gaol of Dover.—*Thomas Wilkinson*, Sunderland-near-the-Sea, Durham, agent for the sale of flour: in the Gaol of Durham.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Worcestershire, at WORCESTER, Aug. 10 at 10.*

*John Winnall the younger*, Camthampton, Ombersley, out of business.—*Henry M. Smythe*, Oldbury, attorney's clerk.

*At the County Court of Pembrokeshire, at HAVERFORDWEST, Aug. 12 at 11.*

*Wm. Thomas*, Haverfordwest, out of business.

*At the County Court of Denbighshire, at RUTHIN, Aug. 12 at 11.*

*Isaac Simon*, Ruthin, printer.

*At the County Court of Derbyshire, at DERBY, Aug. 13 at 12.*

*George Platt*, Glossop, out of business.—*Simon Potts*, Brassington, near Wirksworth, farmer.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Mary Ann Baster*, widow, St. George-street, Ratcliffe, Middlesex, hosier: 2s. 9½d. in the pound.—*Thomas Osborne Kempton*, Uxbridge, Middlesex, bookseller: 2s. 7½d. in the pound.—*Jacob H. Kirkness*, Weston-terrace, Weston-street, Snow's-fields, Bermondsey, Surrey, commercial traveller: 1s. 10½d. in the pound.—*Daniel Cannon*, Chesbunt, Hertfordshire, corn dealer: 1s. 11d. in the pound.—*Walter Scott*, Charlton, Kent, clerk in the storekeeper's office, Woolwich Dockyard: 2s. 11d. in the pound.—*Joseph Broadfield*, Bridgnorth, Shropshire, barge owner: 5s. 4d. in the pound.

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7	£ 1000	£ s. d. 153 8 4	£ s. d. 85 15 1	£ s. d. 1085 15 1	55-885
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1	1000	21 18 4	13 7 8	1013 7 8	61-062

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# The Jurist

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LONDON, AUGUST 6, 1853.

THE close of an eventful legal year has now arrived, and the reflections and anticipations to which its course gives rise are anything but cheerful or encouraging to the Profession—meaning, by the Profession, that existing body of men which maintains itself actually by the practice of the law as a calling. As to them, we cannot doubt that to both branches of the Profession, and in both the leading branches of the law—equity and common law—profitable employment has diminished, is diminishing, and will diminish. We are not saying whether it is right or wrong that this should be the case, nor whether such a consummation could or could not have been avoided; we are merely stating a fact, which we believe every day-book in London and Westminster, and every fee-book in the Temple and Lincoln's-inn, will bear out. At common law, the Procedure Improvement Act, while it has nearly swept away one whole body of practitioners, the special pleaders, and immensely curtailed the emoluments both of counsel and attornies, has not yet succeeded in wrenching from the county courts the mass of business that they had, in the unreformed days of the common-law courts, drawn to themselves. The people, who, if they are not "the only true source of power," are certainly the principal source of profit to the lawyer, still cling to the county courts in spite of their defects, and if only a few alterations were made in those courts, would flock to them still more, to the disinherison and

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great damage of the Bar and the higher class of attornies.

In Chancery the pressure has been hitherto felt pretty equally by both the Bar and the solicitors; but hereafter we believe it will be principally felt by the Bar, because, though there can be no question that the quantity of business—that is, the number of suits and transactions—will much increase under the improved system, yet the new system being based upon the principle of transacting as much of the business of a suit as possible in the judges' chambers, and confining the employment of counsel to the arguing of really contested points in court, it is obvious that the effect will be, the transfer of a large quantity of business to the hands of the solicitors.

Again: we are not questioning whether this ought or ought not to be so, but merely stating a fact, which none can doubt who look attentively at the spirit of the new Chancery Acts and Orders, and the way in which the judges do and must carry them out.

To the existing Chancery Bar, then, the prospect is not encouraging; and if we bear in mind the commission just issued by the Lord Chancellor to several of the county court judges and some other gentlemen, to inquire into the state of the county courts, particularly with reference to the propriety of giving to them some equity jurisdiction, it is tolerably certain, that before another session shall have passed, the decree will go forth which will sweep away a very considerable portion of the business of the existing body of Chancery solicitors; for it cannot be well doubted that the com-

mission will recommend that some equity jurisdiction should be given to the county courts—a jurisdiction at least administrative, in respect of estates of moderate amount, and probably also a contentious jurisdiction when the sums involved are small. If these things are done—and done they will be—farewell to a great portion of the business which now flows into the offices of Chancery solicitors.

In truth, the whole system of the administration of justice, and as a consequence the position of the professors of the law, is in a state of dislocation and transition. We ourselves believe that the tendency of the public mind is, and the consequent probable course of legislation will be, to transfer the initiation of nearly all suits and actions to the local courts, and to convert what are termed the superior courts into merely courts of appeal. Considering the enormous increase of business and wealth of many of the provincial communities during the last quarter of a century, and the increased facility and rapidity of communication—considering also the general extension of commercial transactions, and the great increase of personal property and business arising out of it, creating the subject-matter of a great mass of small litigation, which must be disposed of quickly, and under the immediate eye of the parties interested, to be usefully disposed of, it seems not unreasonable that such a change as we contemplate should take place. At any rate, it seems very likely that it will take place, and the London solicitors, as well as the Bar, will do well to consider and calculate on its probability. In respect to the changes that have hitherto taken place in the Court of Chancery, at least, no one can doubt that they have hitherto worked for the benefit of the public, but they have been accompanied by some unnecessary and improper injury to the Profession. We do not refer to those changes which have either swept away superfluous proceedings, or have transferred certain portions of the proceedings from one branch of the Profession to another; of those changes no one can, or at least ought, to complain. What we refer to is the retention of a mode and scale of professional remuneration created for the old system of procedure, and not adapted to the present system. It is quite right that the superfluity of writing and paper, and proceedings of all kinds, which increased the expense of the suitor, should be abolished.

But since, in the old time, it was the payment for those superfluous things which remunerated the legal practitioner for the mental labour employed upon the kernel of all this husk, and there was no payment for the mental labour per se, it is not either reasonable or just, that when the system is altered to one in which the mental labour remains, while the superfluous writing, &c. is done away, the Profession should continue to be remunerated in reference to a length which no longer exists, and without reference to the mental labour and time which do continue.

In plain English, under the new system of procedure, both the Bar and the solicitor must have a new tariff of fees, based not upon length, but on the principle of quantum meruit.

This is being gradually and forcibly felt, though, from a mistaken notion of delicacy, it is not yet sufficiently, and with sufficient publicity, brought before

the notice of those who have the arrangement of law reforms. We venture, therefore, to avail ourselves of our incognito, to be vulgar enough to state openly, that the subject, both of solicitors' charges and counsel's fees, requires an entire revision, to be in harmony with the new system of things; and that the principle of payment ought to have reference to time and difficulty, and not to length, except in so far as necessary length may involve consumption of time.

#### THE RIGHT TO INSERT A POWER OF APPOINTMENT IN A SURRENDER OF COPYHOLDS.

In the recent case of *Flack v. Downing College*, (17 Jur., part 1, p. 697), the Court of Common Pleas held that a lord of a manor was not bound to accept a surrender of copyholds containing a general power of appointment, there being no special custom entitling the tenant to make such a surrender. The lord in that case had refused to accept and inrol a conditional surrender, by way of mortgage, of a copyhold tenement, "to such uses and in such manner as E. F., his executors, administrators, or assigns, at any time, or from time to time, during the lives of the surrenderor and E. F., or the life of the survivor of them, or within twenty-one years from the day of the decease inclusively of such survivor, should by any writing or writings under his or their hand or hands appoint, and in default of and until appointment, to the use of the said E. F., his heirs and assigns for ever, according to the custom of the manor;" and the question was submitted for the opinion of the Court in the form of a special case. Jervis, C. J., said—"There is no doubt that in the case of wills there is such right of nomination; but that, I think, is a right peculiar to wills, and is founded on the special custom of each manor, and is one which does not apply to transactions inter vivos. . . . The question now is, whether the tenant on the rolls has the right of forcing on the lord a surrender which shall create this power of nomination. It is true, that under one construction it may not have the effect of depriving the lord of having always a tenant, but it will have the effect of depriving him of his fine. I apprehend that this is an objection which the lord has a right to make." Maule, J., said—"I think that this case comes within the spirit in which the case of *Matthew v. Osborne* (17 Jur., part 1, p. 696) was determined. That case was determined, I think, on the ground that the lord could not be called on to recognise persons by means of transactions to which he, the lord, was a stranger. It is satisfactory to know that our judgment need not be conclusive, as a mandamus may, notwithstanding, be obtained."

It is certainly satisfactory to know that the decision is not conclusive, as its effect would be to stop the use of a very common and very convenient form of assurance. The decision has been a surprise upon the Profession, and there can be no doubt, we conceive, that it is unsound; but it is difficult to meet with argument a decision for which no reason is given, and the effect of which is to make an anomalous exception to a general rule. We can only ask, why is this? We are all familiar with the general principle, that "the lord is only as an instrument to convey the estate, and as it were put in trust to make such an admittance as he who surrenders would have him to make;" (*Brook's case*, Poph. 125; Cro. Jac. 434); and consequently every limitation of use which is not void for remoteness, or on any other ground of public policy, may be inserted in a surrender, and must be allowed of by the lord; and when we are told that the lord may

object to a limitation of familiar and daily use in assurances both of freehold and of copyhold land, we are capable of amazement only until we hear the reason; and when, instead of giving a reason, the Court declines to decide in favour of the tenant until he produces a custom, or some authority in his favour, we can only remark, that the Court is bold to lay down an unreasonable and inexplicable exception to a general rule, without either custom or authority to support it.

We say that no reason was given for the decision, because the suggestion, that the results of a mortgage with a power of appointment might not be so profitable to the lord as those of a mortgage without such a power, cannot be regarded seriously. We recognise the rule that the Legislature is presumed not to intend to abridge or interfere with any right of a lord of a manor where it does not expressly mention copyholds; but it is new to us, when the question is as to the existence of an alleged right, to have it decided exclusively by reference to the lord's pocket. The admitted principle with respect to copyholds is, that the lord is a minister, bound to register all lawful limitations of the copyhold which the tenant thinks fit to make—lawful limitations being those which, being made, the law allows to take effect. That the tenant is not confined to the transfer of a fee simple, but has a general power to modify the limitations, according to convenience or contract, as by way of settlement, &c., is admitted, and the legality of a power of appointment in the surrender of copyholds is settled. It is for the lord, therefore, when he excepts to a particular limitation, to make out his case against it.

In discussing the validity of limitations in surrenders of copyholds, the old writers considered whether they were agreeable to the rules of law, but never inquired whether they were agreeable to the lords of the manor. Thus, Coke in the *Complete Copyholder* (s. 35, p. 81) says, "And in customary grants upon surrenders the law is not so strict as in grants at the common law. For in grants at the common law, if the grantee be not in *rerum natura*, and able to take by virtue of the grant presently upon the grant made, it is merely void. . . . If I surrender to the use of him that shall come next into Pauls after such an hour, whose fortune soever it is to come first, the lord must admit him, and I shall never avoid it. The same law is, if I surrender to the use of him that J. S. shall nominate or that I myself shall nominate to the lord at the next meeting. The reason of the law is this—a surrender is a thing executory, which is executed by the subsequent admittance, and nothing at all is invested in the grantee before the lord hath admitted him, according to the surrender."

When Mr. Sanders (prior to the decisions in *Bodington v. Abernethy* and *Rex v. Oundle*) wrote his argument in favour of the validity of springing uses limited on the surrender of copyhold property, (and mainly with reference to those very powers of appointment), it never occurred to him to consider such uses with reference to the amount of fines they might bring in to or intercept from the lord. If the lord of a manor may refuse a surrender with a power of appointment, because it may not be so productive of admittances as a plain surrender in fee, we do not see how he can be bound to accept a surrender to the use of A. for life, with remainder to B. in fee, on which (if there is no custom to the contrary) the admittance of A. is the admittance of B., and only one fine is due, and which would clearly be less beneficial to the lord than a simple surrender to the use of A. in fee. (*Tipping v. Bunning*, Moore, 465; *Blackburne v. Graves*, 1 Vent. 260; *Ely v. Caldecott*, 1 Moo. & Sc. 633; *Phypers v. Burn*, 3 Scott, 634).

The lord is entitled to have the tenancy always full, and he is not bound to recognise any person as a tenant

who does not claim either by descent or in accordance with the terms of a surrender actually made, (or, in the case of a will not made, but paid for), and so claiming, comes in to be admitted. If the copyholder can, by means of a surrender alone, answer his purposes, or if, by any legal limitation of use, he can contrive to avoid an admittance, which, under a different course of proceeding, would be necessary, there is no principle of law or rule of tenure that prevents him. The decision in *Flack v. Downing College* is not a deduction from the rule that the lord is entitled to have the tenancy full, or from the rule that copyhold estates can only be transferred by surrender and admittance or under the Statute of Wills: it depends for its validity on the establishment of a third rule, which was never before heard of, namely, that of two forms of limitation, each equally consistent with the rules above mentioned, the lord may oblige the tenant to adopt that which is least convenient to himself, if it be most profitable to the lord. For the surrender which was rejected in that case was not a mere device to evade an admittance: it was substantially the most convenient and appropriate form in which a security could be taken. The object was to secure the repayment of a loan, with interest, to the lender, his executors, administrators, or assigns, by means of a power to sell a copyhold estate. The estate was never intended to be vested in the mortgagor: he and his representatives were the only persons who could not purchase it. To vest it in him, who could never make it available except by getting rid of it, would have secured the object indeed, but in the most clumsy and circuitous way. If vested in him, it would go on his death away from his executor, to whom the money would be due, to his heir, who would have no interest in the security, and who might be an infant, or otherwise incapacitated. The substance of the bargain was, that if the money were not paid at the appointed time, the mortgagor, his executors or administrators, should be entitled to find a purchaser for the estate. Until sale, the estate was to belong to the mortgagor, subject to the power of sale; when sold, it was to be transferred to the purchaser. The simple and complete expression of the bargain was contained in the power of sale and power of appointment, both transmissible with the debt to the personal representatives; yet the Court of Common Pleas holds that the tenant shall not deal in this plain and sensible way with his own property, of which the lord is only an instrument put in trust to convey the estate as the tenant would have it done—with the right to a fine whenever the legal estate passes—but shall be bound to adopt a clumsy and circuitous form, contrary to the intention, merely for the purpose of obliging a person to take admittance who was never intended to be tenant, and who, if obliged to assume the character, would do so only for the purpose of immediately relinquishing it in favour of the person who from the beginning was intended to fill it.

Such is the absurdity involved in the decision as applicable to a mortgage. But we go further, and assert that the tenant is entitled on any occasion to adopt any form of limitation known to the law, even though his sole object be to evade the payment of fines. To the tenant is given the absolute dominion over the uses; to the lord is given the right to a fine whenever the tenancy is changed or becomes vacant, but nothing more. It was said by the Court, in *Flack v. Downing College*, that the cases of wills were peculiar, and depended on the special custom of each manor. But that is not so with reference either to the power of devising generally, or to the particular limitation in question. The power of surrendering to the use of a will is incident to every copyhold of inheritance, and neither requires proof of a special custom, nor can be disproved by any negative evidence. (*Pike v. White*, 3

Bro. C. C. 286). The dictum of Lord Abinger to the contrary, in *Doe v. Llewellyn*, (2 C., M., & R. 503), is clearly unsound, and indeed inconsistent with his own decision in the case. And if the creation of a power of appointment be an infringement of the lord's rights, it must be as much so in a will as in a surrender; so that the decision of the Court of Common Pleas requires that all powers of appointment in wills should be held invalid, at the option of the lord.

There is no prior authority on the present point, but there is abundance in favour of the validity of the limitation. In *Holder d. Sulyard v. Preston* (2 Wils. 400) it was held that a copyholder, who had surrendered a copyhold to the use of his will, could by his will empower trustees to sell the copyhold and nominate the person to be admitted under such surrender, without themselves taking admission, and that the lord could only claim a single fine. (See *Beal v. Shepherd*, Cro. Jac. 199).

In *Rez v. Hendon* (2 T. R. 484) the tenant had covenanted to surrender his tenement to the use of G., and the covenant was presented at a customary court, and the purchase money paid. G. sold his interest to R., and the original vendor surrendered directly to the use of R. The lord contended that he was entitled to be paid a fine on the intermediate sale, before he could be called upon to admit R. The decision was, that he was bound to admit before he could claim any fine, but the Court expressed an opinion that he could not claim two fines. "All the lord had a right to require was to have a tenant, and there he had one during the whole time."

In *Rez v. Boughey*, (1 B. & Cr. 565), where the custom of a manor entitled a copyholder to admittance to a new tenant on payment of a smaller fine than would be paid by a stranger, the lord was compelled to admit a person to a small tenement which he had purchased for the purpose of reducing the fine on his admittance to a more valuable tenement previously purchased. The Court said that the purchaser was entitled so to avail himself of the custom.

In *Boddington v. Abernethy* (5 B. & Cr. 776) a copyhold was surrendered to the uses of an existing settlement of freeholds, which contained a power of revocation and new appointment, and a title derived under an exercise of the power was held to be good.

The validity of a surrender to such uses as A. should appoint, and in default of appointment, to the use of A. and his heirs, and the right of A.'s appointee to admittance without any previous admittance of A., were established in *Rez v. Oundle*, (1 Ad. & El. 283); and this was followed in *Glass v. Richardson*, (9 Hare, 698; 23 L. J., Ch., 105).

In *Eddleston v. Collins*, (17 Jur., part 1, p. 331), where a surrender, with a power of appointment, had been accepted by an infant steward, and the question was as to the capacity of the steward, Lord Cranworth, C., said—"I give no opinion whether the lord was bound to accept such a surrender: probably he might not be." And that suggestion of a doubt is the sole authority in favour of the decision in *Flack v. Downing College*.

In *Reg. v. The Dean and Chapter of Ely* (17 Jur. part 1, p. 699, note) a rule absolute for a mandamus to the lord to accept a surrender containing a power of appointment was granted, after argument.

The particulars of the case of *Matthew v. Osborne*, (17 Jur., part 1, p. 696), which Maule, J., thought might bear on the principal case, had evidently escaped his Lordship's recollection. In *Matthew v. Osborne* an attempt was made to establish the principle, that before the stat. 7 Will. 4 & 1 Vict. c. 26, a surrenderee could devise or assign his right to admittance. The contrary was of course decided, on the ground that the customary mode of alienation was alone admissible. That decision has no bearing on the question whether the

lord can object to his tenant's laying the foundation for a mode of alienation which follows the custom and is admitted to be valid. G. S.

### Reviews.

*A Letter to the Right Hon. Lord John Russell on the Transfer of Landed Property.* By ROBERT WILSON. 8vo. Pp. 74. [Blenkarn.]

(Continued from p. 269).

We fear that an attempt to force the titles placed under the shelter of a registry, by any very stringent rule of limitation, would not be endured. The present rules of limitation might possibly be made more stringent against unregistered titles, and a short bar might be provided in a few special cases; but the suggestion of a single case will be sufficient to shew the difficulty of the attempt. Suppose a tenant for life under the will of his deceased wife's father to have been in possession for fifty years, having, perhaps, made a vagabond of the heir, is he to be allowed, under cover of the register, to make a good title—sell, and decamp with the money? It is said that such frauds may be committed under the present system. They are possible, but the caution of buyers (which would cease with their risk) renders the commission of them extremely difficult.

We shall allow Mr. Wilson to speak for himself in a few extracts, which will serve in some measure to explain the machinery of both plans; for the ingenious contrivance of the certificate and claim is the basis of each. Our readers should refer to the pamphlet for illustrations of the form and use of the certificate:—

"Every piece of land has at all times, by the very necessity of its appropriation, and moreover by an inflexible rule of law, its holder; or, if I may use the proper technical term, though suggestive of an extinct social distinction, its 'freeholder.' The name of the freeholder de facto might be ascertained without investigation of title, and might be registered as the 'root of title.'"

"There would not be anything arbitrary in this arrangement. The register, confining itself to the proper duty of a register, namely, that of recording facts which exist independently of it, would commence with a simple entry of a state of things visibly existing at the date of its commencement. It would put down the name of the person actually holding the land, as a matter of fact, without either declaring the validity or defining the extent of his interest; at the same time calling upon all other persons, who had anything to state respecting the title, to put down their names and make their statements.

"In deference to common opinion, I ought, perhaps, to propose to allow some such period as five years for the registration of the rest of the title; though, for my own part, I cannot see why a person, who is at home and sui juris, should not be compelled to bring in his title within two years, or even within one year.

"An extension of time must be allowed in favour of persons abroad, or under disabilities; and, at any rate, I would not give such persons more than two years beyond the period of absence or disability. At the end of some fixed period, say fifteen or twenty years, or longer if thought necessary, the register must be in full operation against all the world.

"The registered freehold, as it would merely express or represent the simple indivisible fact of present possession, would be transferable, like a railway share, on a printed form. On the registration of a transfer, the freehold would be taken out of the name of the transferor, and put into the name of the transferee.



"Presumptively, the freehold would be transmissible to the freeholder's legal representative. This representative might be the heir or the devisee, according to the present law; but it would be more convenient to refer all administrative duties, for the real as well as for the personal property, to the executor; as has often been proposed. I shall assume, though without insisting on this point, that the freehold would pass to the executor. On production of the probate, the freehold would be put into the name of the executor, if no one else appeared to claim it. If a competing claim were brought forward, the registrar would give his decision upon it, and would put the freehold into the name of the claimant or of the executor, as the case might be. The registrar's decision would be subject to revision, as I will explain presently; but the freehold would be registered, at all events, with the appeal, if there were one, as a registered qualification of it.

"Landed property would thus be kept registered in the name of the freeholder for the time being. The registered freeholder might hold subject to equities; he might be a trustee, or be implicated in a fraud, in which case the person beneficially entitled or defrauded might take proceedings against him for the purpose of recovering the freehold from him. A claim against the freeholder would be virtually a claim against the land, while the freehold remained registered in the name of the person responsible. And, in order to preserve a lien on the land, in the event of the freehold changing hands, the claimant would put a notice of his claim upon the register, so as to make the claim a part of the registered title. For in favour of a purchaser (by which term I mean a person acquiring a title by any kind of contract) for valuable consideration, without notice, the registered title would be the whole title. On the sale of an estate simply registered in the name of the freeholder, without notice on the register of any right or claim besides the freehold, a transfer, conveying an absolutely secure title in fee simple, to a purchaser for valuable consideration, who had not received notice extrinsically of an interfering, though unregistered, right, might be filled up and signed in the auction-room. The seller and purchaser might walk over together to the register office, where, on hearing that nothing was entered against the freehold, the purchaser might hand his bank notes to the seller in exchange for the signed transfer." (P. 4).

"There must be a 'Land Register Office' in London, consisting at first of a large room for the county of Kent, divided, as in the annexed plan, into eight compartments for parish business, alphabetically distinguished, like the compartments in the transfer offices at the Bank of England; with a ninth compartment for general county business.

"After a suitable notice, an assistant registrar would go down from the London office to the parish of Graveley, for the purpose of registering the names of the freeholders of the lands contained in that parish. He would hold meetings and receive claims, and would, in the occasional, but I should hope not very frequent, case of conflicting claims to the freehold, ascertain by evidence who was the freeholder *de facto*, and enter his name, subject to appeal. He would, in substance, follow the practice laid down by the General Inclosure Act, 8 & 9 Vict. c. 118, 48th and following sections, the marginal notes of which would, if the words 'assistant registrar' and 'registrar' were substituted for the words 'valuer' and 'commissioner,' run thus: '*Assistant registrar to hold meetings;*' '*Claims to be delivered in writing;*' '*Statement of claims to be deposited for examination;*' '*Claims to be heard and determined by assistant registrar, subject to appeal to registrar;*' '*Titles not to be determined by assistant registrar or registrar.*'

"This last is the marginal note of the 49th section, which expressly adopts our proposed principle of registering the possession, by providing that nothing in the act contained 'shall extend to enable the valuer or the commissioners, or any assistant commissioner . . . to determine any right between any parties, contrary to the actual possession of any such party.'" (P. 25).

"We may suppose that Mr. Dickson, sen., the settlor, does not register the settlement, his interest under it being the freehold, which already stands in his name. Mr. Dickson, jun., sends a copy of the settlement to the office, accompanied by a claim to the registration of it; and accordingly it is put upon the register under his name. At the same time, or afterwards, Mrs. Dickson, sen., and Mrs. Dickson, jun., severally register the settlement, by reference to the copy already filed.

"Under these registrations, Mrs. Dickson, sen., and Mr. and Mrs. Dickson, jun., would each be in possession of a certificate, which must be surrendered or set aside before the settlement could be taken out of the title. Consequently the freeholder cannot convey a title to the prejudice of any of the persons, living or unborn, interested under the settlement, without the affirmative concurrence, in writing, of his wife, his son, and his son's wife.

"The trustees for raising portions also enter a claim, referring to the registered copy of the settlement. I have supposed that there are two trustees, but there might be half-a-dozen or more, and each trustee might hold his own separate certificate, which might be distinguished from the certificates of the other trustees by some private mark or symbol; for instance, 'dog,' 'ship,' 'tree.'

"Suppose, further, that the protection of the entails, as well as the raising of the portions, is made a part of the office of the trustees. We shall then have secured the continuance of the settlement in the title in favour of all persons, living or unborn, interested under it, until each of two or of any greater number of persons, chosen as persons specially deserving of confidence, individually signs his name to a document authorising the commission of a direct fraud, for all the consequences of which his signature would render him personally responsible to every person injured by it.

"If it be said that all the trustees might die, I answer, that even then the affirmative concurrence, in writing, of the legal representative of the last surviving trustee, who by concurring would render himself personally responsible to make good all injuries caused by his concurrence, must be obtained before the registration of the settlement can be removed. Or, if there were no representative of the last surviving trustee, there must be an application to the registrar to strike out the registration of the settlement, standing in the names of the trustees, on the ground that there is now no living representative of that registration; and on the hearing of such an application, the registrar, as he must, on inquiring into the facts, detect an intended fraud, would, instead of striking out the registration, register the Court of Chancery as trustee, on the principle that a trust ought never to fail for want of a person to execute it.

"Some person is not satisfied with all this. It is not enough that the active concurrence of the wife, the son, and the son's wife—of any number of trustees, men of character, assuming a personal responsibility for all consequences of their concurrence—of the representative of the last surviving trustee, if all the trustees have died before the first tenant in tail is old enough to take care of himself—and of the Court of Chancery if there be no such representative—should be the condition of the premature withdrawal of the settlement from the registered title. If a further



'safeguard be required, it can be provided. It may be a provision of the settlement that the certificates of the trustees shall be filed in the Court of Chancery immediately after the execution of the settlement, and shall remain there until all the trusts have been performed. The effect of this provision would be, that the settlement could never be taken out of the title until its removal were expressly ordered by the Court of Chancery.' (P. 64).

'Let us now suppose that a sale is made, under a power of sale contained in the settlement, requiring for its exercise the concurrence or consent of Mr. and Mrs. Dickson, sen., Mr. and Mrs. Dickson, jun., or the survivors of them, and the trustees for the time being. The abstract of title, so to call it, would then consist of a copy of the settlement, which, by shewing the power, would prove the legality of the sale, if made with the required consents. The estate would be conveyed upon the usual printed form, signed by the freeholder; the other parties would surrender their claims, and thus withdraw the settlement from the registered title; and the required consents would be given by a short unregistered document, which the purchaser would retain for his protection against any claim which might be made against him by any person interested under the settlement.' (P. 69).

*On the Reform of the Law of Real Property, in a Letter to the Right Hon. Lord Lyndhurst, &c. By H. BELLENDEN KER, Esq. 8vo., pp. 124.*

[Stevens & Norton.]

WE shall not on this occasion attempt either to criticise or to give a summary of the contents of this publication. The interest of the subject-matter, and the eminence of the learned author, are sufficient to secure for it attention, even beyond the limits of the Profession; and the lively and agreeable style in which it is written will prevent its being laid aside half read. The measure principally recommended by Mr. Ker, and from which he anticipates the most important results, is a general digest of the law of real property, involving, of course, either as an accompaniment or as a consequence, the amendment of such parts of the law as are objectionable or defective. Mr. Ker cites a passage from one of the Reports of the Criminal Law Commissioners, which contains the following reasons for preferring a digest to a code:—

'A written exposition of the law, although necessarily involving a careful and laborious selection, correction, and preparation of the general rules in which it is embodied, comprises no further alteration than this—that what was before to be collected by the aid of precedent and analogy, is now to be judged of by reference to the written rule; the same sense is still attached to well-known technical forms of expression, and consequently all the benefit derived from the continued and familiar use of such expressions is retained. To the formation of new laws, which are to supersede an ancient system to any considerable extent, much inconvenience naturally attaches. In framing an entire new law, the temptation occurs to frame it in very concise, general, and abstract terms. It frequently, however, happens that the limit of so general a law is uncertain, and it is a matter of experience that great difficulty arises in their practical application, and that subsidiary supplemental laws become absolutely necessary for the removing of doubts.'

Mr. Ker adds—

'I may refer those who think a plain and clear exposition of the law impossible to the very successful attempt of the Commissioners to digest the New York statutes. In the execution of this work the Commissioners added definitions of the common law,

'as far as it was necessary for their purpose; and I have reason to know, from the very highest authority, that this digest has worked well for more than twenty years, and has given rise to comparatively little doubt or difficulty, although I am told it was received with much ill-will and suspicion by the older practitioners when it first came into operation. I have given a sample of this work in the Appendix—not as a pattern as to how I would propose to have such a task executed, but as a proof, at least, that a successful attempt has been made by enlightened people, having a system of law nearly similar to our own, and which has enabled them to get rid of a vast mass of useless and complex law, totally inapplicable to the present times. Surely it is at least worth while to make the attempt. It may be well to state to those who are against this project, what perhaps has never occurred to them, viz. that, in fact, we ourselves already have a statutory digest of some of the most important branches of the law of property; for instance, the whole law relating to the power of disposition by will, and even some material points as to the construction of wills, is contained in the Wills Act and Lord St. Leonards' amendment of it. The whole law relating to the barring entails and the disposition of real property by married women is contained in Mr. Brodie's Act. The act introduced by your Lordship, preventing the destruction of contingent remainders, and other material points relating to the law of real property, is alone a proof of what may be done for the definition and simplification of the law of real property, if only care and skill are applied to the subject. Again: the law of dower and inheritance, and the several statutes as regards procedure for the recovery of land, the statutes of limitation, the laws relating to the commutation of tithes, the enfranchisement of copyholds, are all chapters of a digest of the law of real property; and if it has been found expedient and advantageous to make these desultory alterations in the law of property, I think it is fair to infer that greater benefit would arise from a systematic complete digest of the whole.

'Assuming that the digest is made, then will come the time to judge as to what alterations, what simplifications, are necessary. I assume that it will be determined to retain the present actual control over property both by deed and will, the present law of descent, the present distinction between real and personal estate, but that all else will be done to simplify the law, so as that these conditions be in nowise interfered with.' (P. 26).

'I have very lately had communication with one of the New York judges, and from him I learn that the revised statutes are found entirely to answer their end, both as regards the actual exposition of the law, and the great convenience which is experienced when it becomes necessary to alter the existing law, by reason of there being only one statute for each subject; and further, I learn that little or no difficulty occurs in the construction or exposition of these laws, and that no inconvenience arises from a portion of the common law having been consolidated with the statutory provisions.' (P. 69).

'I am certain that the time is come for the change, and that the evil of the existing state of things cannot be borne much longer; yet there are two difficulties which stare the most sanguine in the face. Few persons have hitherto turned their minds to the science of the construction of laws, and hitherto it has been the custom to pay the judges highly for the exposition of the law, whilst the framer of it is sought for the nonce, and is either ill remunerated, or there is an understanding that his work is to be taken into consideration on the next vacancy on the bench, &c. If great changes in the law are to be systematically made,

"the most skilful persons must be employed, and Parliament must be content to pay them." (P. 70).

The proposal is bold, and will probably be received with derision by a majority, both in numbers and in learning, of the Profession; yet we have no doubt that the necessity for a digest or digests, not merely of the law of real property, but of every branch of the law, will in a few years be generally acknowledged. The statute law has been already taken in hand with some prospect of success; and no one, we presume, will be so hardy as to assert, that if ten or twelve first-rate lawyers were induced to devote their whole time to the task, they could not in the course of as many years extract from the existing chaos of authorities all the principles and rules that they are capable of affording, and arrange and present them in a systematic form, disengaged from all "accidents and concretions." No doubt, in the operation, besides designed changes, many existing niceties and crotchets would be unintentionally swept away. But the race of Pigots, who weep over the ruins of legal cobwebs, is nearly extinct. Doubtless, too, many questions would arise on the construction of the digest, but they would replace\* ten times as many questions on the present authorities. Thus the law would be rendered many times more certain, and a thousand times more intelligible and accessible, than it now is. If the plan were adopted of inserting every new enactment in its place in the digest, expunging the repealed or altered clauses; and if Courts, in pronouncing their judgments, expressly referred to the clause or clauses in the digest on which they proceeded; and if no reported decision were allowed to be cited as a precedent affecting the construction or application of any clause in the digest not so referred to, there might be some hope of preventing the return of chaos for a few centuries.

#### PUBLIC EXAMINATION.—MICHAELMAS TERM, 1853.

The Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

\* The plan would be to have, first, a digest of the existing law, strictly without alteration or amendment, stating, if thought necessary, cases of authorities in balanced conflict, without deciding between them; and then a separate amended digest or code. The latter would decide all cases arising after its enactment; the former all cases which ought not to be affected by an *ex post facto* law.

"No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

#### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Michaelmas Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs, on or before Monday, the 31st day of October next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Monday, the 7th day of November next, and will be continued on the Tuesday and Wednesday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Monday morning, the 7th November, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Tuesday morning, the 8th November, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Wednesday morning, the 9th November, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Wednesday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than ten terms shall not be admitted to an examination.

THE READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect all students to answer any general questions relating to the History of England, and to be well acquainted with the reigns of Henry VII, Henry VIII, Elizabeth, James I, and Charles I.

The candidates for distinction will be expected to know the outline of the History of the Canon Law, and its effect upon the institutions of the country; to give an account of the changes in the times of Henry VIII, and the course of Ecclesiastical Policy from that time to the breaking out of the Civil War; as well as to answer questions belonging to Constitutional History and the State Trials from the earliest times to the Revolution.

The books for the ordinary examination will be Hallam, Rapin, and Blackstone.

Those for the candidates for distinction will be Hallam, Rapin, Reeve's History of the English Law, Sullivan's Lectures, Fleury—Droit Ecclesiastique, or any other History of the Canon Law; Burnet's History of the Reformation; Butler's Notes to Coke; Littleton, Blackstone, and the State Trials.

THE READER ON EQUITY will examine in the following books:—

1. Mitford on Pleadings in the Court of Chancery; Calvert on Parties to Suits in Equity, chaps. 1, 2; Smith's Manual of Equity Jurisprudence; the Act for the Improvement of Equity Jurisdiction, 15 & 16 Vict. c. 86.

2. Spence on the Equitable Jurisdiction of the Court of Chancery, vol. 1, part 2, book 1; Story's Commentaries on Equity Jurisprudence, vols. 1 and 2; the principal cases in White & Tudor's Leading Cases, vols. 1 and 2; Sir James Wigram's Points in the Law of Discovery; Introductory Observations; and "First Proposition."

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

THE READER ON THE LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property.
2. Stephen—Com., vol. 1, book 2.
3. The Learning of Powers—Sugden on Powers, chap. 1, ss. 1, 4; chaps. 2, 4; and Cru. Dig., tit. 32, chaps. 13, 14, 16, 17, 19.
4. Title by Non-claim—2 & 3 Will. 4, c. 71; 3 & 4 Will. 4, c. 27.
5. The Statute of Wills—1 Vict. c. 26, ss. 24, 29—33.
6. The Assignment of Satisfied Terms—8 & 9 Vict. c. 112.

Candidates for a studentship or other honorary distinction will be examined in all the foregoing books and subjects. Candidates for a certificate merely will be examined in 1, 2, and 3.

THE READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine in the following books and subjects:—

1. The Roman Law of Testaments, Legacies, and Fidei-commissa; of Real and of Consensual Contracts. The modern authorities referred to may be Mühlenbruch—Doctrina Pandectarum, 4th ed., vol. 2, pp. 322 et seq.; vol. 3, pp. 190 et seq.; Puchta—Pandekten, pp. 322 et seq.; pp. 616 et seq.; or Warnkönig—Commentarii Juris Romani Privati, lib. 3, pars post., cap. 1 et seq.; lib. 5, cap. 1 et seq.
2. The Roman Law of Civil Process at the era of Gaius—Gaius, Comment., lib. 4. The modern treatises consulted may be Tigerström—Die innere Geschichte des Römischen Rechts, pp. 86 et seq.; or J. G. Philli-

more—Introduction to the Study of Roman Law, pp. 16 et seq.

3. Mühlenbruch—Doctrina Pandectarum Pars Generalis, lib. 1, vol. 1, pp. 83—166.

4. Warnkönig—Doctrina Juris Philosophica, cap. 8, 9, 10.

5. Ortolan—Generalisation du Droit Romain, part 1, titr. 3; part 2, titr. 1 et 2, (prefixed to M. Ortolan's "Explication Historique des Institutes," 5th ed.)

6. Foelix—Droit International Privé, pp. 531 et seq., "Du Droit Criminel International" et "de l'Extradition."

Candidates for distinction will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in 5 and 6, and also in 1, so far as the subjects there indicated are treated of in the Institutes of Justinian.

THE READER ON COMMON LAW proposes to examine in the following books and subjects:—

#### Class I.

1. The ordinary Proceedings in an Action at Law.
2. The Elements of the Law of Contracts.
3. Wrongs remediable in Case and Trespass—Selw. N. P., chap. 12, and chap. 39, ss. 1, 2.

#### Class II.

1. The New Rules of Pleading—Trin. Term, 1853.
2. Story on Agency, 4th ed., chaps. 3, 17.
3. Lord Campbell's Acts, edited by Greaves.

Candidates for certificates of fitness to be called to the Bar will be expected to be conversant with the subjects mentioned in the first of the above classes.

Candidates for the studentship or honours will have questions proposed to them falling within both of the above classes.

By order of the Council,

RICHD. BETHELL, Chairman.

Council Chamber, Lincoln's Inn,  
July 27, 1853.

### London Gazettes.

FRIDAY, JULY 29.

#### BANKRUPTS.

WILLIAM MILLER, Dorking, Surrey, auctioneer, dealer and chapman, Aug. 12 at half-past 1, and Sept. 9 at 1. Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Tate, 32, Bucklersbury, London.—Petition filed July 16.

JOHN SEAGER, Hungerford Wharf, Strand, Middlesex, wine and spirit merchant, dealer and chapman, Aug. 10 at 2, and Sept. 13 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Loveland & Tweed, 64, Lincoln's-inn-fields, London.—Petition filed July 27.

ROBERT NELSON, MARY NELSON, and ROBERT NELSON the younger, Darlington, Durham, provision and porter merchants, (trading under the style or firm of R. & M. Nelson & Co.), Aug. 10 at 11, and Sept. 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Myers, Darlington; Harle, 20, Southampton-buildings, Chancery-lane, London, and Newcastle-upon-Tyne.—Petition filed July 27.

JOSEPH NEWMAN, Nibley, Westerleigh, Gloucestershire, innkeeper, carpenter and builder, dealer and chapman, Aug. 10 and Sept. 7 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Trenfield, Chipping Sodbury, Gloucestershire.—Petition filed July 27.

WILLIAM THOMAS the younger, Haworth, Yorkshire, worsted spinner, dealer and chapman, Aug. 11 and Sept. 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated and filed July 19.

JOHN MELLOR, Manchester, innkeeper, Aug. 17 and Sept. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Potter & Tooke, Manchester.—Petition filed July 25.

**ROBERT COCKER**, formerly of New York, United States of America, merchant, and Hathersage, Derbyshire, Kingdom of England, needle manufacturer, and now residing at Hathersage, Aug. 9 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Sale & Co., Manchester; Vickers, Sheffield.—Petition filed July 15.

## MEETINGS.

**Richard Wallis Dore**, Lombard-st., London, shoe factor, Aug. 11 at 1, Court of Bankruptcy, London, aud. ac.—**Wm. Hackett**, Leicester, dealer in pianofortes, Aug. 12 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—**I. Morris**, Derby, innkeeper, Aug. 12 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—**John Underhill**, Birmingham, merchant, Aug. 30 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.—**Frederick Wm. White**, Castleford, Yorkshire, linendraper, Aug. 22 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.; at 12, div.—**Charles Fletcher**, Derby, silk manufacturer, Aug. 26 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—**Samuel Bickerton**, Liverpool, butcher, Aug. 22 at 11, District Court of Bankruptcy, Liverpool, div.—**Robert Carr**, Holyhead, Anglesea, licensed victualler, Aug. 23 at 11, District Court of Bankruptcy, Liverpool, fin. div.—**Wm. Gore**, Liverpool, wheelwright, Aug. 22 at 11, District Court of Bankruptcy, Liverpool, div.—**James M'Coskrie**, Liverpool, merchant ship broker, Aug. 22 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Frederick Wm. White**, Castleford, Yorkshire, linendraper, Aug. 22 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

**John Robinson**, Nassau-place, Commercial-road East, and Cannon-street-road, Middlesex, clothier.—**Edward Herring**, Trinity-street, Southwark, Surrey, manufacturing chemist.—**Thomas Gledhill**, Halifax, Yorkshire, tailor.—**John Roebuck** and **William Roebuck**, Bank-end Mill, near Holmfirth, Yorkshire, woollen cloth manufacturers.—**John Oyston**, Wakefield, Yorkshire, linendraper.—**James Wheeler**, Scarborough, Yorkshire, wine merchant.—**Benjamin Lamplough**, Doncaster, Yorkshire, woollendraper.

## PARTNERSHIPS DISSOLVED.

**John Charsley** and **John Parton**, Beaconsfield, Bucks, attorneys, solicitors, and conveyancers, (under the style or firm of Charsley & Parton).—**William Parr Isaacson**, **George Gillson**, and **James Button**, Newmarket, Cambridgeshire, attorneys-at-law and solicitors, (under the firm of Isaacson, Gillson, & Button), so far as regards **G. Gillson**.—**John F. Isaacson** and **Philip Robert Alderson**, Norfolk-street, Strand, Middlesex, attorneys-at-law and solicitors.

## DECLARATION OF INSOLVENCY.

**Edmund Dallimore**, Newport, Monmouthshire, lodging-house keeper.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Menford Nott**, Twyford, Berkshire, manager to a pastry-cook, Aug. 17 at 10, County Court of Berkshire, at Reading.—**John Jarvis**, Peterborough, Northamptonshire, cordwainer, Aug. 8 at 12, County Court of Northamptonshire, at Peterborough.—**John Rawson Edwards**, Peterborough, Northamptonshire, upholsterer, Aug. 8 at 12, County Court of Northamptonshire, at Peterborough.—**William Cadman**, Coventry, Warwickshire, ribbon weaver, Aug. 23 at 12, County Court of Warwickshire, at Coventry.—**Alexander Moore**, Birkenhead, Cheshire, general provision dealer, Aug. 5 at 10, County Court of Cheshire, at Birkenhead.—**Caroline Steed**, Gorton, Suffolk, plumber, Aug. 30 at 11, County Court of Suffolk, at Hadleigh.—**John Smith**, Brackley, Northamptonshire, carpenter, Aug. 22 at 10, County Court of Northamptonshire, at Brackley.—**Samuel Munson**, West Mersea, Essex, wheelwright, Aug. 15 at 12, County Court of Essex, at Colchester.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Aug. 13 at 10.*

**James Wm. Mangeon**, Exeter, out of business.—**John Simmons**, Lapford, carpenter.

*At the County Court of Oxfordshire, at OXFORD, Aug. 15 at 11.*

**Joseph Parker**, Oxford, licensed victualler.

*At the County Court of Glamorganshire, at CARDIFF, Aug. 15.*

**John Jones**, Coytrahen, Baydon, Llangonoyd, blacksmith.—**Thomas Llewellyn**, Rhondda Valley, Ystradafadog, carpenter.—**John Rees**, Cardiff, provision merchant.

*At the County Court of Warwickshire, at COVENTRY, Aug. 23 at 12.*

**Benjamin Burgess**, Birmingham, plumber.—**W. Holloway**, Birmingham, jeweller.—**Eli Munn**, Birmingham, baker.—**Ellie Hughes**, Birmingham, builder.—**William H. Johnson**, Birmingham, harness maker.—**Wm. Thomas**, Birmingham, accountant.

*At the County Court of Kent, at DOVER, Aug. 29 at 10.*

**Thomas Gurr**, Rickney, Pevensey, Sussex, beerseller.

## INSOLVENT DEBTOR'S DIVIDEND.

**William Bell**, clerk in the Ordnance-office of the Tower of London, Aug. 6, at Richardson & Sadler's, 21, Golden-sq.: 3s. 2d. (making with former divs. 16s. 2½d.) in the pound.

## MEETINGS.

**Benjamin James**, Kington, Herefordshire, out of business, Aug. 18 at 12, at Edwards's, Ross, sp. aff.

## TUESDAY, AUGUST 2.

## BANKRUPTS.

**THOMAS BRYANT**, Bedford, Bedfordshire, carpenter and builder, Aug. 13 at 2, and Sept. 9 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Paine, 5, Gresham-street, London.—Petition filed July 22.

**THOMAS LINNELL**, Graham-st., London, commission agent, dealer and chapman, Aug. 12 at 2, and Sept. 10 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Thompson, 18, Sise-lane, Bucklersbury, London.—Petition filed July 30.

**ELIJAH MAY**, Edgeware-road, Middlesex, straw-hat warehouseman, dealer and chapman, Aug. 13 at 12, and Sept. 16 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition dated July 27.

**KATE HYNES**, St. Thomas the Apostle, Devonshire, dealer in marine stores, Aug. 10 at 11, and Sept. 8 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Petition filed July 29.

**JAMES SCOTT**, Sheffield, Yorkshire, innkeeper, dealer and chapman, Aug. 13 and Sept. 10 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Patteson, Sheffield.—Petition dated July 30.

**THOMAS JARDINE**, Liverpool, stonemason, builder, and licensed victualler, Aug. 12 and Sept. 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Greene, Liverpool.—Petition filed July 30.

**SAMPSON LANGDALE**, **JOHN EYTON**, and **MASTA JOSCELIN COOKE**, Newcastle-upon-Tyne, merchants and manufacturing chemists, (carrying on business under the style or firm of The Tyne Manure and Chemical Company), Aug. 11 and Sept. 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sol. Harle, 20, Southampton-buildings, Chancery-lane, London, and Butcher Bank, Newcastle-upon-Tyne.—Petition filed July 27.

## MEETINGS.

**John Wells**, Bold-place, Marlborough-road, Queen's-road, Dalston, Middlesex, builder, Aug. 18 at 12, Court of Bankruptcy, London, last ex.—**Francis Robinson**, Manchester, publican, Aug. 12 at 12, District Court of Bankruptcy, Manchester, last ex.—**Wm. Marshall**, South Shields, Durham,

shipowner, Aug. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Thomas Lett**, College-place, Camden-town, Middlesex, builder, Aug. 24 at 12, Court of Bankruptcy, London.—**Edward Smith**, South Shields, Durham, linendraper, Aug. 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Edward W. Uren**, Totnes, Devonshire, builder, Aug. 25 at 1, District Court of Bankruptcy, Exeter.

*To be granted, unless an Appeal be duly entered.*

**John H. May**, Brecknock-terrace, Camden-town, Middlesex, draper.—**Wm. E. Folkit**, Chencies-place, Somers-town, Middlesex, carver.—**George Milton**, Elizabeth-terrace, Liverpool-road, Islington, Middlesex, builder.—**Richard H. Davie**, Wellington, Somersetshire, money scrivener.—**James Burgess**, Over Tabley, Cheshire, contractor.—**Jonathan Waddington** the younger, Wigan, Lancashire, draper.—**Wm. Astingstall**, Pendleton, Lancashire, joiner.—**John Brandon**, Penanett, Kingswinford, Staffordshire, draper.—**Jonas Woodhead** and **Joseph Woodhead**, Bradford, Yorkshire, file manufacturers.

#### PETITIONS DISMISSED.

**Wm. F. Donovan**, Oxford-street, Middlesex, poulterer and egg merchant.—**Wm. Lowcock**, Liverpool, butcher.

#### SCOTCH SEQUESTRATIONS.

**Thomas Henderson**, Glasgow, tailor.—**Wm. Urie Paterson**, Glasgow, tin-plate worker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Joseph Smith**, Midsomer Norton, Somersetshire, plumber, Aug. 17 at 1, County Court of Somersetshire, at Clutton.—**Charles Chapman**, Ferry Path, Chesterton, Cambridgeshire, carpenter, Aug. 11 at 10, County Court of Cambridgeshire, at Cambridge.—**Wm. Walder**, Cowfold, Sussex, farmer, Aug. 11 at 12, County Court of Sussex, at Cuckfield.—**John Allin**, Lindfield, Sussex, solicitor, Aug. 11 at 12, County Court of Sussex, at Cuckfield.—**Joseph Turner**, Eastbourne, Sussex, grocer, Aug. 9 at 12, County Court of Sussex, at Lewes.—**John Ewart**, Albrighton, Shropshire, licensed tea dealer, Aug. 20 at 10, County Court of Shropshire, at Madeley.

*Saturday, July 30.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**Joseph Bray**, Hereford, innkeeper, No. 73,648 C.; **Thomas Hoddell**, assignee.—**John Jobson**, South Shields, Durham, common brewer, No. 76,746 C.; **Henry C. Jobson**, assignee.—**George Gordon Smith**, Taunton, Somersetshire, clerk, No. 48,026 T.; **Samuel Sturgis**, new assignee, Barton, late surviving assignee, deceased.—**Wm. Calvert**, Lumley, Durham, grocer, No. 76,380 C.; **Thomas White**, assignee.

*Saturday, July 30.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Thos. Stephen Lansdell**, High-street, Southwark, Surrey, licensed victualler: in the Queen's Prison.—**James Shepherd**, Holland-street, Brixton, Surrey, manufacturer of mineral waters: in the Queen's Prison.—**John Pinder**, Spring-street, Hyde-park, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—**John Day**, Melina-place, Cambridge-heath, Middlesex, jewellers' cabinet maker: in the Debtors Prison for London and Middlesex.—**Alfred W. Cole**, Westbourne-grove North, Bayswater, Middlesex, barrister-at-law: in the Debtors Prison for London and Middlesex.—**George Godfrey**, Hammersmith, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—**Joseph H. Ellis**, Southgate-place, Southgate-road, Hackney, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—**Frederick Boffey**, King-street, Lower-road, Islington, Middlesex, commission agent: in the Debtors Prison for London

and Middlesex.—**Robt. Gouldsbrough**, Milner-mews, Prince-street, Edgeware-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**George Eyles**, Little Stanmore, Edgeware, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—**Rudolph N. J. Freeman**, Howard's Coffee-house, St. James's-place, Aldgate, City, out of business: in the Debtors Prison for London and Middlesex.—**Geo. Hobb Williams**, Long-lane, West Smith-field, City, hairdresser: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

**Wm. Sills Poulton**, late a prisoner for debt in Winchester Gaol, Southampton, in no trade: in the Queen's Prison.

*(On their own Petitions).*

**William Jackson**, Lancaster, joiner: in the Gaol of Lancaster.—**George Strachan**, Birkenhead, near Liverpool, stonemason: in the Gaol of Lancaster.—**Thos. Badger**, Torteth-park, Liverpool, shopman to a grocer: in the Gaol of Lancaster.—**Peter Dutton**, Blackburn, Lancashire, shoemaker: in the Gaol of Lancaster.—**John Chalton Peers**, Liverpool, baker: in the Gaol of Lancaster.—**John Ogden**, Manchester, brass founder: in the Gaol of Lancaster.—**Ann Darwin**, Manchester, out of business: in the Gaol of Lancaster.—**James Baillie**, Manchester, joiner: in the Gaol of Lancaster.—**David Hudson**, Manchester, butcher: in the Gaol of Lancaster.—**Michael Charlton**, Liverpool, auctioneer: in the Gaol of Lancaster.—**John Dunn**, Manchester, brewer: in the Gaol of Lancaster.—**Henry Green**, Heywood, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—**Richard Hall**, Manchester, maker-up: in the Gaol of Lancaster.—**W. Booth**, Manchester, out of business: in the Gaol of Lancaster.—**Richard Ormston**, Astley-bridge, near Bolton-le-Moors, Lancashire, labourer: in the Gaol of Lancaster.—**James Bamforth**, Ashton-under-Lyne, Lancashire, commission agent: in the Gaol of Chester.—**John Bennett**, Manchester, out of business: in the Gaol of Lancaster.—**Thomas T. Molyneux**, Leeds, Yorkshire, sharebroker: in the Gaol of York.—**John Hindle**, Preston, Lancashire, cabinet maker: in the Gaol of Lancaster.—**Wm. Parr**, Newbury, Berkshire, innkeeper: in the Gaol of Reading.—**John Arthur**, Llanelly, Carmarthenshire, coal owner: in the Gaol of Carmarthen.—**W. Meredith**, Cefn, Coedcymmer, Vayner, Breconshire, builder: in the Gaol of Cardiff.—**Joseph Cunningham**, Hereford, coachsmith: in the Gaol of Hereford.—**John Crickmer**, Norwich, commercial traveller: in the Gaol of Norwich.—**Christopher Thornton**, Bradford, Yorkshire, woolcomber: in the Gaol of York.—**D. Foster**, York, out of business: in the Gaol of York.—**Thomas Goodyear**, Leeds, Yorkshire, bookkeeper: in the Gaol of York.—**Wm. Hughes**, Carnarvon, Carnarvonshire, grocer: in the Gaol of Carnarvon.—**Wm. T. Sadler**, Stockbridge, Southampton, out of business: in the Gaol of Winchester.—**Richard Hobley**, Birmingham, baker: in the Gaol of Coventry.—**J. Nightingale**, Birmingham, out of business: in the Gaol of Coventry.—**John Field**, Edgerton, near Huddersfield, Yorkshire, joiner: in the Gaol of York.—**Guy F. L'Estrange**, Woolwich, Kent, in no profession: in the Gaol of Maidstone.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Berkshire, at READING, Aug. 17.*  
**George Caldwell**, Chalfont St. Peter, Buckinghamshire, following no trade.—**Wm. Parr** the younger, Newbury, innkeeper.

*At the County Court of Durham, at DURHAM, Aug. 18.*  
**Thomas Wilkinson**, Sunderland-near-the-Sea, agent for the sale of flour.

*At the County Court of Herefordshire, at HEREFORD, Aug. 18 at 10.*

**Joseph Cunningham**, Hereford, coachsmith.

*At the County Court of Suffolk, at IPSWICH, Aug. 19 at 10.*

**Charles W. Buckingham**, Ipswich, cabinet maker.

*At the County Court of Somersetshire, at TAUNTON, Aug. 22 at 9.*

**Stephen White**, Baltonsborough, near Somerton, out of business.

*At the County Court of Nottinghamshire, at NOTTINGHAM, Aug. 25 at 9.*

*John Ward, Nottingham, tailor.*

The Queen has been pleased to appoint William John Law, Esq., to be Chief Commissioner for the Relief of Insolvent Debtors, in the room of Henry Revell Reynolds, Esq., resigned; also Francis Stack Murphy, Esq., Serjeant-at-Law, to be one of the Commissioners for the Relief of Insolvent Debtors.

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# The Jurist

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AUGUST 13, 1853.

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LONDON, AUGUST 13, 1853.

We call the attention of our conveyancing readers to a very important decision (not yet reported) on the subject of warrants of attorney to confess judgment, with reference to the law of usury. In the case of *Lane v. Horlock*, decided by Sir R. T. Kindersley, V.C., during the last month, money had been advanced by Lane to Horlock on bills of exchange; but in the negotiations for the advance, Lane had insisted that he must have, in addition, a warrant of attorney, on which judgment might be immediately entered up and registered; and he required to be furnished with a copy of Horlock's rental, and a valuation of his real estate, and of all the incumbrances on it. Being satisfied with this investigation of Horlock's real estate, Lane advanced the money, and Horlock executed a warrant of attorney to confess judgment, to secure the repayment of the money advanced. The money was, of course, it will be understood, lent at usurious interest, and judgment was entered up the day following the advance.

Under circumstances and by various transactions which it would not here be useful to detail, part of Horlock's real estate was sold, and the loans not being repaid, the question was, whether Lane could claim to be repaid out of the produce of such sale; and that turned on the question, whether the warrant of attorney, followed by the judgment so immediately entered up, was a security on land within the proviso of the 2 & 3 Vict. c. 37.

lock's real estate was sold, and the loans not being repaid, the question was, whether Lane could claim to be repaid out of the produce of such sale; and that turned on the question, whether the warrant of attorney, followed by the judgment so immediately entered up, was a security on land within the proviso of the 2 & 3 Vict. c. 37.

That the transaction would have been within the old Usury Act (the statute of Anne) was not disputed; but it was argued that this was not a security on land; that the judgment was the only security on land, and that was not given at the time of the advance; that the only instrument affecting the land given at the time of the advance was the warrant of attorney, which was confessedly of itself no security on land; that to be within the statute, the loan or forbearance must be upon security of land; and therefore, the warrant of attorney not being itself a security on land, and the judgment not being given till after the advance was completed, there was no loan or forbearance of money on the security of land.

It will of course occur to every conveyancer, that assuming, as one must assume, the policy of the law to exclude land from being resorted to, to secure usurious loans, the law would be of the most entire inefficacy for that purpose if such a trick as taking a warrant of attorney one hour, and a judgment the next, could be held to be taking no security on land; because the practical danger of anything intervening to prevent the warrant of attorney being ripened into an actual charge on land would be so homœopathic in its proportions that there would be no appreciable difference, as regards security, between such a transaction and a mortgage. Of course such a reason could not be conclusive if the

language of the statute admitted no doubt, but it would have great weight if the language of the statute would not be inconsistent with it.

The Court would probably not have felt much difficulty on the subject had it not been for a case of *Lane v. Horlock*, which was between the very same parties, and in respect of the very same transaction in which the Court of Queen's Bench refused to set aside the judgment on the ground of usury. (4 Dowl. & L. 408).

The learned Vice-Chancellor, in deciding the more recent case, commented on the case in the Queen's Bench, and said that he could not concur in the reasons on which that case was decided; and he then proceeded to decide on a ground which he thought would be consistent with the decision in the Queen's Bench.

The ground on which he decided was, that the statute of Victoria did not intend that the agreeing, on a usurious loan, to give landed security, should invalidate the whole transaction, but only to render the intended security on land invalid; and for this view he relied on *Ex parte Warrington*, (17 Jur., part 1, p. 430). His Honor accordingly held, that although Lane's judgment was a good judgment, and might be executed as against the debtor's personal estate, yet it was invalid as a security on the land, and could not be enforced as a lien on the produce of the sale of the land.

Acquiescing entirely, if we may respectfully say so, in the decision of the learned Vice-Chancellor, that such a judgment cannot be enforced against land, we take leave, with great respect, to observe, that it appears to us not to be consistent with, but entirely to overrule, *Lane v. Horlock* in the Queen's Bench.

No doubt what the statute does is to give first a universal exemption from the consequences of usury to every loan, however secured, and then to except from that universality the security of land; but is it correct, firstly, to say that the proviso excepts only the security, and does not affect the loan made or attempted to be made on the forbidden security?—and if it is correct to say that, then, secondly, does the proviso except only land from the security, or does it not at any rate destroy the security itself given upon land? If the first point is decided in *Ex parte Warrington*, which appears to us at least doubtful, the second certainly is not; because in that case the question was not whether the mortgage was good—it clearly and admittedly was not, for any purpose—but whether, being bad, it invalidated the promissory notes. The utmost that it decided was, that the proviso in the statute did not render a loan, made on the double security of personalty and land, altogether a void loan. It certainly did not decide that the exception only paralysed the security given on land, as to its hold upon the land, and left it as a security subsisting for other purposes. Now, the decision in *Lane v. Horlock* before the Vice-Chancellor does go that length; it says that the judgment, which, ex concessis, it treats as a security on land, is not a judgment as against land, but is otherwise a good judgment; whereas the case at common law treats it as a good judgment in the whole, because it is not a security upon land. It seems to us, therefore, that *Ex parte Warrington* is not an authority for *Lane v. Horlock* before the Vice-Chancellor, and that the latter case does overrule *Lane v. Horlock* in the Queen's Bench.

## Correspondence.

### PROTECTION FROM JUDGMENTS, &c.— *FREER v. HESSE.*

TO THE EDITOR OF "THE JURIST."

SIR,—The case of *Freer v. Hesse*, (17 Jur., part 1, p. 177), which was discussed a few months ago in *THE JURIST*, (ante, pp. 91, 98, 105, 123), has assumed a new aspect on the appeal before the Lords Justices. (*Freer v. Hesse*, 17 Jur., part 1, p. 703). The case before Sir J. Stuart, V.C., was, that the vendor, in January, 1844, had taken a mortgage in fee of an estate, described as consisting of 24 acres of freehold and 26 perches of copyhold land, but the copyhold part of which amounted to 0A. 3R. 29P.; and he sold under a power in his mortgage, making the usual provision for compensation in case of misdescription. The purchaser objected to complete unless two judgments against the mortgagor, which had been registered respectively on the 6th May and 28th November, 1843, were discharged. The vendor stated that he had no notice of the judgments when he took his mortgage, and his statement was not impeached. He also relied on a satisfied term of 1000 years, created in 1818, which, on taking the mortgage, he procured to be assigned to a trustee for him. The vendor filed a bill for specific performance. Pending the reference as to title, one of the judgments was, in November, 1850, re-registered. The Master reported in favour of the title to the freehold part only. The Vice-Chancellor decreed a specific performance, with compensation for the defect as to the copyhold, being of opinion, as to the freehold, that the re-registration of the judgment was too late, more than five years having elapsed since the previous registration; and that, even if the judgment had been properly registered, the term would be a sufficient protection to the purchaser.

On the opening of the appeal, the Court intimated that the question as to the judgment was one of conveyance, which could not properly be discussed at that stage of the cause; but, on the consent of both parties, that irregularity was waived. It does not appear how the question as to the copyhold was decided; but the important part of the decision was, that the title, without the concurrence of the judgment creditor, was too doubtful to be forced on the purchaser. The opinion of the Vice-Chancellor, as to the effect of omitting to register the judgment within five years, was not sanctioned by the Court of Appeal. But Sir J. L. Knight Bruce, L.J., seems to have thought it not quite clear, that the existence of the purchaser's equitable title under the contract at the expiration of the five years did not take the estate out of the operation of the judgment altogether. The act 2 & 3 Vict. c. 11, s. 4, says that registered judgments "shall, after the expiration of five years from the date of the entry thereof, be null and void, against lands, tenements, and hereditaments, as to purchasers, mortgagees, or creditors, unless a like memorandum is left &c., within five years before the expiration of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, estate, or interest in or to any such purchaser or mortgagee for valuable consideration, or, as to creditors, within five years before the right of such creditors accrued; and so toties quoties," &c. Here is no allusion to contracts, and the question could not have arisen if "equitable rights" had not been mentioned. But the wording of the clause is clearly adverse to the supposition that contracts were contemplated. As between the vendor and the purchaser, the equitable title, no doubt, passes for many purposes upon the execution of the contract, though the vendor has a lien on the estate for the pur-

has money, and the judgment binds that lien. But, as regards third persons, the purchaser is not in any case a purchaser for valuable consideration until he has paid the purchase money. This is proved by adding the qualification, "without notice." A purchaser for valuable consideration without notice is a purchaser who had no notice when he paid for the estate, not a purchaser who had no notice when he entered into the contract. (See *Potter v. Sanders*, 6 Hare, 1). His Lordship suggested that great inconvenience might arise from holding that a purchaser could not have the benefit of the act until he had completed his purchase and taken a conveyance. I submit, with great deference, that no inconvenience could arise from that construction, because, up to the moment of completion, the purchaser considers that he is exposed to the risk of judgment being registered against his vendor, and therefore he always searches immediately before completion.

Assuming that the registration was sufficient, his Lordship thought that the protection from the term was not perfectly clear. The purchaser had notice of the judgment, and therefore could not rely on the judgment unless his vendor had a right to rely on it. That depended on the fact of the mortgage having been taken without notice of the judgment. If the vendor had appropriated the benefit of the term (before the late act) without notice of the judgment, the Court, sanctioning the construction of the Attendant Terms Act which I ventured to advocate in my former communication, (and see *Bas v. Welsted*, 12 Jur., part 1, p. 347), assumed that a purchaser from him would be entitled to the same protection. But the absence of notice was not capable of direct proof, and as there was no instance of a title depending on the mere absence of notice being forced on a purchaser, the Court declined to order the purchaser to complete without the concurrence of the judgment creditor.

The point is undoubtedly one of considerable nicety. I had always thought that it should be decided the other way. There is no process in the nature of an interpleader suit, by which either the purchaser or the vendor in such a case can compel the incumbrancer to elect whether he will come in and litigate the question of notice, or abandon his lien; and therefore the result of the decision in *Freer v. Hesse* is, that a purchaser without notice of an incumbrance is held in equity to be the absolute owner of the estate, without one of the chief incidents of ownership, the power of sale. The Court in *Freer v. Hesse* professed to be acting on the doctrine of equity as to doubtful titles. That doctrine, however, is founded on a regard to the interests of the purchaser. But under the circumstances in *Freer v. Hesse*, I should have thought, but for the decision in that case, that the purchaser might have completed without any risk. The purchaser would have been bound to complete, as in the case of dower, if the term had been a certain protection. He had notice of a judgment, it is true; but the question was, had he notice of any judgment binding the term in equity? I submit that he had not. The judgment could not bind the term in equity unless the mortgagee had knowledge of the judgment when he appropriated the term. The purchaser, so far from having notice of such a state of things, had every reason to believe the contrary. He therefore had no notice of any judgment lien affecting the term, and therefore his purchase of the protected estate would have been a purchase without notice of any lien of the judgment creditor affecting it, and would not have been impeachable by the creditor. On this ground I venture to submit that the decision is not satisfactory.

The case furnishes an important suggestion on a point as to which the practice of conveyancers has not been uniform. Copyholds and leaseholds in the hands of purchasers without notice are not bound by judgments

against their vendors, and it has, therefore, been the practice of many gentlemen not to advise searches for judgments against vendors of such estates. But that practice must be abandoned, for though a purchaser of a copyhold or leasehold is not bound by a judgment of which he had no notice when he took his conveyance, his title would, according to *Freer v. Hesse*, be unmarketable, if registered judgments against his vendor should afterwards appear to have been subsisting at the date of the purchase, and to be unsatisfied. G. S.

## PUBLIC GENERAL STATUTES.

16 &amp; 17 VICTORIA.—SESSION 1.

## CAP. I.

An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Funeral of Arthur late Duke of Wellington. — [17th November, 1852.]

## CAP. II.

An Act to amend an Act of the first Year of King George IV, for the further Prevention of forging and counterfeiting Bank Notes. — [16th December, 1852.]

## CAP. III.

An Act to authorise the Inclosure of certain Lands, in pursuance of a special Report of the Inclosure Commissioners for England and Wales. — [16th December, 1852.]

## CAP. IV.

An Act to amend an Act for guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the British Colonies on the Continent of South America, in the West Indies, and the Mauritius, for certain Purposes. — [16th December, 1852.]

## CAP. V.

An Act to substitute Stamp Duties for Fees on passing Letters-patent for Inventions, and to provide for the Purchase for the public Use of certain Indexes of Specifications. — [21st February, 1853.]

Sect. 1. Sects. 17, 44, 45, 46, and 53, and part of schedule of 15 & 16 Vict. c. 83, repealed.

2. *Letters-patent to be made subject to Avoidance on Non-payment of Stamp Duties expressed in Schedule to this Act annexed.*—All letters-patent for inventions to be granted under the provisions of the said Patent Law Amendment Act, 1852, (except in the cases provided for in the 4th section of this act), shall be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine at the expiration of three years and seven years respectively from the date thereof, unless there be paid, before the expiration of the said three years and seven years respectively, the stamp duties in the schedule to this act annexed, expressed to be payable before the expiration of the third year and of the seventh year respectively, and such letters-patent, or a duplicate thereof, shall be stamped with proper stamps, shewing the payment of such respective stamp duties, and shall, when stamped, be produced before the expiration of such three years and seven years respectively at the office of the commissioners; and a certificate of the production of such letters-patent or duplicate so stamped, specifying the date of such production, shall be indorsed by the clerk of the commissioners on the letters-patent or duplicate, and a like certificate shall be indorsed upon the warrant for such letters-patent filed in the said office.

3. Stamp duties mentioned in the schedule to this act to be payable.

4. *As to Payment of Stamp Duties on Letters-patent for England, Scotland, or Ireland respectively.*—Where letters-patent for England or Scotland or Ireland have been granted before the commencement of the said Patent Law Amendment Act, 1852, or have been since the commencement of the said act, or hereafter may be granted for any invention, in respect of any application made before the commencement of the said act, letters-patent for England or Scot-

land or Ireland may be granted for such invention in like manner as if the said act had not been passed: provided always, that in lieu of all fees or payments and stamp duties which were at the time of the passing of the said act payable in respect of such letters-patent as last aforesaid, or in or about obtaining a grant thereof, and in lieu of all other stamp duties whatsoever, there shall be paid in respect of such letters-patent as last aforesaid, on the sealing thereof, stamp duties equal to one-third part of the stamp duties which would be payable under this act in respect of letters-patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, on or previously to the sealing of such letters-patent as last aforesaid, and before the expiration of the third year and the seventh year respectively of the term granted by such letters-patent for England, Scotland, or Ireland, stamp duties equal to one-third part of the stamp duties payable under this act before the expiration of the third year and the seventh year respectively of the term granted by letters-patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, and the condition of such letters-patent for England or Scotland or Ireland shall be varied accordingly.

5. Duties to be under the management of the Commissioners of Inland Revenue, who are to provide the proper stamps for the purpose.

6. The said Commissioners of Inland Revenue shall prepare stamps impressed upon adhesive paper, of the amounts following, that is to say, twopence, fourpence, eightpence, and one shilling, to be used only in respect of the stamp duties on the office copies of documents and on the certificates of searches and inspections mentioned in the schedule to this act; such adhesive stamps of proper amounts to be affixed by the clerk of the Commissioners of Patents for Inventions to such office copies of documents and certificates of searches and inspections as aforesaid; and immediately after such affixing he shall obliterate or deface such stamps by impressing thereon a seal to be provided for that purpose, but so as not to prevent the amount of the stamp from being ascertained; and no such office copy or certificate shall be delivered out until the stamps thereon shall be obliterated or defaced as aforesaid.

7. Conditions of letters-patent already granted under recited act to be satisfied by payment of stamp duties, &c. under this act.

8. Power to commissioners to purchase the indexes of existing specifications prepared by Mr. Woodcroft.

9. *As to the Word "Duplicate."*—The word "duplicate" shall be construed to mean in this act such letters-patent as may be issued under the 22nd section of the Patent Law Amendment Act, 1852, in case of any letters-patent being destroyed or lost.

10. *This Act and 15 & 16 Vict. c. 83, to be construed together.*—This act and the Patent Law Amendment Act, 1852, shall be construed together as one act.

*The Schedule of Stamp Duties to be paid to which this Act refers.*

	£	s.	d.
On petition for grant of letters-patent .....	5	0	0
On certificate of record of notice to proceed. ....	5	0	0
On warrant of law officer for letters-patent .....	5	0	0
On the sealing of letters-patent .....	5	0	0
On specification .....	5	0	0
On the letters-patent, or a duplicate thereof, before the expiration of the third year .....	50	0	0
On the letters-patent, or a duplicate thereof, before the expiration of the seventh year .....	100	0	0
On certificate of record of notice of objections. ....	2	0	0
On certificate of every search and inspection ....	0	1	0
On certificate of entry of assignment or license ..	0	5	0
On certificate of assignment or license .....	0	5	0
On application for disclaimer .....	5	0	0
On caveat against disclaimer .....	2	0	0
On office copies of documents, for every ninety words .....	0	0	2

#### CAP. VI.

An Act to apply the Sum of Two Millions to the Service of the Year 1853. [21st February, 1853.]

#### CAP. VII.

An Act to amend an Act relating to the Valuation of rateable Property in Ireland. [21st February, 1853.]

#### CAP. VIII.

An Act for enabling the Commissioners of Inland Revenue to dispose of certain Property in the City of London. [18th March, 1853.]

#### CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [18th March, 1853.]

#### CAP. X.

An Act for the Regulation of her Majesty's Royal Marine Forces while on Shore. [18th March, 1853.]

#### CAP. XI.

An Act to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales. [18th March, 1853.]

#### CAP. XII.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year 1853. [18th March, 1853.]

#### CAP. XIII.

An Act to revive certain temporary Provisions relating to the Collection of Grand Jury Cess in Ireland. [18th March, 1853.]

#### CAP. XIV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [18th March, 1853.]

#### CAP. XV.

An Act to limit the Time of taking the Poll in Counties at contested Elections for Knights of the Shire to serve in Parliament in England and Wales to one Day. [18th March, 1853.]

Sect. 1. *Provisions of 2 & 3 Will. 4, c. 45, relating to Duration of Poll, repealed.*

2. *Regulating Time for polling at Elections for Knights of the Shire.*

3. *Sect. 70 of 2 & 3 Will. 4, c. 45, to remain applicable to Elections.*

Whereas it is expedient to restrict the continuance of the polling at every contested election of a knight or knights to serve in Parliament for any county, or for any riding, parts, or division of a county, to one day: be it therefore enacted &c.,

Sect. 1. That so much of the act passed in the 2 & 3 Will. 4, [c. 45], as authorises the continuance of the polling at every such contested election as aforesaid for two days, and the duties of the sheriff's deputy and poll-clerks at such poll during those days, and fixes the commencement and limits the hours of polling on such days, and prevents the commencement of such polling on a Saturday, shall be and the same is hereby repealed.

2. At every contested election of a knight or knights to serve in any Parliament after the 1st October, 1853, for any county, or for any riding, parts, or division of a county, the polling shall continue for one day only, and the poll shall commence at eight o'clock in the morning and be kept open until five in the afternoon of such day, and the poll-clerks to be employed at the principal place of election and other places shall, at the final close of the day's poll, inclose and seal their several books, and shall publicly deliver them, so inclosed and sealed, to the sheriff, under-sheriff, or sheriff's deputy presiding at such poll, and every such deputy who shall have received any such poll-books shall forthwith deliver or transmit the same, so inclosed and sealed, to the sheriff or his under-sheriff, who shall receive and keep all the poll-books unopened until the re-assembling of the court on the day next but one after the close of the poll, unless such next day but one shall be Sunday, and then until the Monday following, when he shall openly break the seals thereon, and cast up the number of votes as they appear on the said several books, and shall openly declare the state of the poll, and shall make proclamation of the member or members chosen not later

than two o'clock in the afternoon of the said day, any statute to the contrary notwithstanding.

3. The provisions concerning the adjournment of the poll in cases of riot or open violence, and other the provisions of sect. 70 of the 2 & 3 Will. 4, c. 45, shall be and remain applicable to every such contested election as aforesaid, as if the said section were re-enacted in this act, the words "the day of polling" being substituted therein for the words "one of the two days of polling."

## CAP. XVI.

An Act for carrying into Effect the Engagement between her Majesty and Syed Syf bin Hamood, the Chief of Sohar, in Arabia, for the more effectual Suppression of the Slave Trade. [9th May, 1853.]

## CAP. XVII.

An Act for carrying into Effect the Treaty between her Majesty and the Republic of New Granada, for the Suppression of the Slave Trade. [9th May, 1853.]

## CAP. XVIII.

An Act to authorise Advances out of the Consolidated Fund to discharge Monies borrowed on the Security of the Land Revenues of the Crown for the Purpose of Metropolitan Improvements, and providing for the Payment of such Advances and of certain Monies charged on the London Bridge Approaches Fund. [9th May, 1853.]

## CAP. XIX.

An Act to amend an Act of the fifteenth Year of her present Majesty, (New Forest Deer Removal), as regards the Publication of Claims, and the preferring and delivering Objections thereto. [9th May, 1853.]

## CAP. XX.

An Act to alter and amend an Act of the fifteenth Year of her present Majesty for amending the Law of Evidence in Scotland. [9th May, 1853.]

- Sect. 1. Sect. 2 of 15 & 16 Vict. c. 27, repealed.
2. So much of sect. 1 of 15 & 16 Vict. c. 27, as to incompetency of persons who are agents in actions being witnesses, repealed.
3. As to examination of witnesses, whether named in the record or not.
4. This act not to apply to cases of adultery, &c.
5. Adducing of party as a witness not to have effect of reference to his oath.
6. Not to affect authority of courts as to judicial examination.

## CAP. XXI.

An Act to authorise the Legislature of the Province of Canada to make Provision concerning the Clergy Reserves in that Province, and the Proceeds thereof. [9th May, 1853.]

## CAP. XXII.

An Act for making further Provision for the Execution of the Office of Examiner of the High Court of Chancery. [9th May, 1853.]

- Sect. 1. After passing of this act, the oath herein named to be taken by all examiners.
2. Qualification of examiners.
3. As to payment of salaries and retiring pensions.

## CAP. XXIII.

An Act for redeeming or commuting the Annuity payable to the South Sea Company, and certain Annuities of 3*l*. per Centum per Annum, and for creating new Annuities of 3*l*. 10*s*. per Centum per Annum, and 2*l*. 10*s*. per Centum per Annum, and issuing Exchequer Bonds. [9th May, 1853.]

Sect. 1. The annuity on the capital stock of the South Sea Company, continued under 6 Geo. 2, c. 28, &c., and certain 3*l*. per cent. stocks, viz. the Old and New South Sea Annuities, the Bank Annuities, 1726, created by 12 Geo. 1, c. 2, and the 3*l*. per Cent. Annuities, 1751, created by 24 Geo. 2, c. 2, to be redeemed.

2. Proprietors of said 3*l*. per Cents. may for 100*l*. of their stock receive 82*l*. 10*s*. New 3*l*. 10*s*. per Cent., 110*l*. 2*l*. 10*s*. per Cent., or 100*l*. Exchequer Bond carrying interest at 2*l*. 15*s*. per cent. not later than 1st September, 1864, and after at 2*l*. 10*s*. per cent.

3. Treasury to fix the term for payment of 2*l*. 15*s*. per Cent. Exchequer Bonds, and the options of redemption.

4. Dividends charged on the Consolidated Fund.

5. Annuity on South Sea Stock, and dividends on New South Sea Annuities, Bank Annuities, 1726, and 3*l*. per Cent. Annuities, 1751, to cease from 5th January, 1854, and dividends on Old South Sea Annuities to cease from 5th April, 1854.

6. South Sea Company to have the same option of commutation as proprietors of 3*l*. per Cents.

7. Assents of proprietors of the said 3*l*. per Cents. how to be signified.

8. Proprietors of New South Sea Annuities, Bank Annuities, 1726, and 3*l*. per Cent. Annuities, 1751, (not assenting to commute), to receive on 5th January, 1854, 100*l*. for 100*l*. stock, and proprietors of Old South Sea Annuities (not assenting to commute) to receive on 5th April, 1854, 100*l*. for 100*l*. stock.

9. South Sea Company to be paid principal money, the interest on which they may not assent to commute.

10. Power to accountants-general of Chancery and accountant in bankruptcy to assent.

11. Power to executors, &c. to assent.

12. Conditions on which trustees may assent.

13. Proprietors of Consols or Reduced 3*l*. per Cents. may commute on the same terms as proprietors of aforesaid 3*l*. per Cents.

14. Commutations into New 3*l*. 10*s*. and 2*l*. 10*s*. per Cents. limited.

15. Assents of proprietors of Consolidated or Reduced 3*l*. per Cents. how to be signified.

16. Power to executors, &c. to assent.

17. Dividends on New 3*l*. 10*s*. per Cents. and 2*l*. 10*s*. per Cents. to be payable on 5th January and 5th July.

18. Books to be opened at the Banks of England and Ireland for receiving the entry of the New 3*l*. 10*s*. per Cents. and 2*l*. 10*s*. per Cents. Payment of dividends of stocks commuted.

19. South Sea Company to certify to the Bank of England amounts of stock assented to and not assented to.

20. New 3*l*. 10*s*. per Cent. and 2*l*. 10*s*. per Cent. Annuities, to which the South Sea Company may be entitled under their assent, to be entered in the name of such company.

21. Bank to appoint a cashier and an accountant-general.

22. Said accountants-general to examine receipts and payments.

23. The annuities created by this act to be several joint stocks.

24. Annuities to be personal estate.

25. Certificates of amount of stock exchanged or paid off &c. to be sent to Commissioners for Reduction of the National Debt.

26. Bonds or contracts to transfer the said 3*l*. per Cents. to be deemed satisfied by transfer of New 3*l*. 10*s*. per Cents. or 2*l*. 10*s*. per Cents. As to payment of dividends.

27. Lenders of 3*l*. per Cents. redeemed on contract to replace may demand 100*l*. money for every 100*l*. stock.

28. Powers of attorney for sale or transfer of 3*l*. per Cents. redeemed to continue in force.

29. Trusts as to stock commuted shall extend to newly-created stocks.

30. Questions as to trusts arising on commutations under this act may be decided by Courts of Chancery in England or Ireland, or by the Court of Session in Scotland.

31. New stock transferable at Banks of England and Ireland may be mutually transferred, conformably to directions of 5 Geo. 4, c. 53, as altered by 6 Geo. 4, c. 79.

32. In respect of every 110*l*. of 2*l*. 10*s*. per Cents., a yearly sum of 5*s*. to be paid to the Commissioners for the Reduction of the National Debt.

33. Stock, bonds, and money received in respect of the annuities in the names of the Commissioners for the Reduction of the National Debt to remain subject to the same rights as such annuities.

34. Redemption money of stock not demanded for ten years, and stock on which the dividends are unclaimed for ten years,

to be transferred to Commissioners for the Reduction of the National Debt.

35. Unclaimed dividends on 3l. per Cent. Annuities transferable at the South Sea House to be transferred to the Bank of England.

36. Indemnifying Banks of England and Ireland and South Sea Company for acts done by their officers under this act.

37. The Treasury may cause Exchequer Bonds to be issued.

38. Limitation of amount of Exchequer Bonds to 30,000,000l.

39. Treasury to regulate the issue of Exchequer Bonds.

40. Relief in case Exchequer Bonds should be accidentally destroyed.

41. Persons forging Exchequer Bonds, &c. guilty of felony.

42. Bank to continue a corporation for the purposes of this act until the annuities hereby granted shall be redeemed.

(To be continued).

### London Gazette.

FRIDAY, AUGUST 5.

#### BANKRUPTS.

HENRY JAMES WHITE, Waterloo-road, Surrey, straw bonnet dealer, dealer and chapman, Aug. 13 at 11, and Sept. 10 at 12, Court of Bankruptcy, London: Off. Ass. Camnan; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition filed Aug. 2.

WILLIAM FLETCHER CORBETT, Worcester, linen and woollen draper, Aug. 17 and Sept. 15 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Bolton, Dudley; Motteram & Knight, Birmingham.—Petition dated Aug. 2.

WILLIAM TELLING, Fairford, Gloucestershire, baker, Aug. 17 and Sept. 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Fowler, Cirencester; Bevan & Girling, Bristol.—Petition filed July 29.

THOMAS DARK, Bristol, (also carrying on business at Exeter), contractor and builder, dealer and chapman, Aug. 18 at 12, and Sept. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Savery & Co., Bristol; Clarke & Co., 20, Lincoln's-inn-fields, London.—Petition filed Aug. 4.

FRANCES ISABELLA DAGNALL and JONATHAN WALSH FAIRCLOUGH, Liverpool, wholesale comb manufacturers, (trading under the firm of Dagnall & Co.), Aug. 22 and Sept. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Booker, Liverpool.—Petition filed Aug. 2.

FRANCIS RAVE and GEORGE WILLIAM MORTIMER, Bury, Lancashire, silk dyers, dealers and chapmen, Aug. 17 and Sept. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Dearden, Manchester.—Petition filed July 21.

CHRISTOPHER THOMAS POTTS, Sunderland, Durham, shipowner, attorney-at-law, and solicitor, Aug. 11 and Sept. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Young & Co., Sunderland; Maples & Co., 6, Frederick's-place, Old Jewry, London.—Petition filed June 30.

#### MEETINGS.

John Heywood and James Heywood, Liverpool, provision merchants, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of John Heywood; Aug. 23 at 11, aud. ac. joint est.—John Wilkinson, Liverpool, fruiterer, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Joseph Froste and Isaiah Ashlin, Liverpool, merchants, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Edward Wilkinson and Thomas Bentley, Liverpool, tailors, Aug. 17 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—J. Pierce, Liverpool, builder, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Ellison, Liverpool, ironmonger, Aug. 17 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—James Leader, Liverpool, joiner, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Fletcher Pearson, Liverpool, painter, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—

John S. Ritten, Liverpool, printer, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Edward Williams, Liverpool, block manufacturer, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Edward Ridley, Liverpool, tailor, Aug. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Benjamin Bunting the elder, Benjamin Bunting the younger, and Robert Durrant, Norwich, tallow-chandlers, Aug. 26 at half-past 11, Court of Bankruptcy, London, div. sep. est. of Robert Durrant.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

Wm. Wood the younger, Birmingham, builder, Aug. 30 at 12, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

Edward Whalley, Kingsgate-street, High Holborn, Middlesex, clothworker.—W. Woodyatt, Witton, near Northwich, Cheshire, joiner.—Robert S. Hoggar, Wolverhampton, Staffordshire, builder.—Enoch Turner, Birmingham, builder.

#### PETITIONS ANNULLED.

Charles Parkinson Benjamin Laing, London, and Dominica, master mariner.—Wm. Gill, Manchester, fustian manufacturer.

#### PARTNERSHIPS DISSOLVED.

James Henry Clayton and Eden Kaye Greville, Serle-street, Lincoln's-inn, Middlesex, late of Hare-court, Inner Temple, attorneys and solicitors.—Frederick Solly Gosling and William Charles Luard, Gray's-inn, Middlesex, attorneys and solicitors.—John Murray, John Snaith Rymer, and Archibald Murray, Whitehall-place, Westminster, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

Robt. Alexander, Glasgow, merchant.

#### INSOLVENT DEBTORS

Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

James Brooke, Toxteth-park, Lancashire, shipbuilder, Aug. 16 at 10, County Court of Lancashire, at Liverpool.—Jane Ethell, Birmingham, out of business, Aug. 13 at 10, County Court of Warwickshire, at Birmingham.—Mary Spiller, Bristol, out of business, Aug. 24 at 11, County Court of Gloucestershire, at Bristol.—Bertram Van der Mark, Bristol, teacher of music, Sept. 7 at 11, County Court of Gloucestershire, at Bristol.—Owen Poth, Nottingham, lace dealer, Aug. 25 at 9, County Court of Nottinghamshire, at Nottingham.—Samuel Hemingway, Lambley, Nottinghamshire, shoemaker, Aug. 25 at 9, County Court of Nottinghamshire, at Nottingham.—John Pattman, Ipswich, Suffolk, ironmonger, Aug. 19 at 10, County Court of Suffolk, at Ipswich.—James Carr, Ipswich, Suffolk, Aug. 19 at 10, County Court of Suffolk, at Ipswich.—George Rowse, Heywood, Lancashire, out of business, Aug. 24 at 11, County Court of Lancashire, at Bury.—Wm. Dyer the younger, Trowbridge, Wiltshire, coachman, Aug. 12 at 11, County Court of Wiltshire, at Trowbridge.—Wm. Jones, Aberaman, Glamorganshire, out of business, Aug. 11 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—Edward Walton, Wolverhampton, Staffordshire, factor's clerk, Aug. 23 at 9, County Court of Staffordshire, at Wolverhampton.—Charles Wm. Howard, Derrington, Barham, Kent, veterinary surgeon, Aug. 12 at 11, County Court of Kent, at Canterbury.—Alfred Jennings, Canterbury, Kent, assistant butcher, Aug. 12 at 11, County Court of Kent, at Canterbury.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Hampshire, at WINCHESTER, Aug. 19.

William Thos. Sadler, Stockbridge, Southampton, out of business.—Wm. Paul, Yately, Southampton, blacksmith.—Andrew Holdaway the younger, Botley Turnpike-gate and Cock-lane-gate, Southampton, collector of tolls.

At the County Court of Warwickshire, at WARWICK, Aug. 22 at 10.

Richard Walker the younger, Birmingham, out of business.

—*Herbert Young*, Birmingham, out of business.—*J. Soden*, Birmingham, clerk.—*Roland John Field*, Edgbaston, commission agent.

*At the County Court of Warwickshire, at COVENTRY, Aug. 23 at 12.*

*Wm. Hood*, Birmingham, commission agent.—*Wm. Fulwell* the elder, Coventry, baker.—*Joseph Nightingale*, Birmingham, out of business.

## TUESDAY, AUGUST 9.

### BANKRUPTS.

**HENRY MOUNTAIN**, Piccadilly, Westminster, and Gunter's-grove, Brompton, Middlesex, draper, dealer and chapman, Aug. 23 at 1, and Sept. 20 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Davidson & Bradbury, Weavers' Hall, 22, Basinghall-st., London.—Petition filed Aug. 3.

**SAMUEL PEACE BOOT**, Birmingham, stationer and gilt toy manufacturer, Aug. 23 and Sept. 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Sutton, Birmingham; Motteram & Knight, Birmingham.—Petition dated Aug. 6.

**JOSEPH PIGGIN and FREDERICK PIGGIN**, Wolverhampton, Staffordshire, shoe manufacturers, Aug. 20 and Sept. 15 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knight, Birmingham.—Petition dated Aug. 5.

**WILLIAM RAINFORD**, Liverpool, upholsterer and cabinet maker, Aug. 24 and Sept. 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Stockley & Thompson, Liverpool.—Petition filed Aug. 6.

### MEETINGS.

*Christopher Hall*, Liverpool, corn factor, Aug. 19 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Hodges Gough*, Barton-street, near Gloucester, Gloucestershire, builder, Sept. 1 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Marius Merrett*, King William-st., London, merchant, Aug. 31 at 1, Court of Bankruptcy, London, fin. div.—*Alpheus Harris*, Dursley, Gloucestershire, wool broker, Sept. 1 at 11, District Court of Bankruptcy, Bristol, fin. div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*J. Scott*, Titchbourne-st., Haymarket, Middlesex, hosier, Aug. 30 at 2, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*Thomas Hillman*, Worthing, Sussex, wine merchant.—*John Gully Hartley and Wm. Jubilee Reed*, Prince's Dock, Rotherhithe, Surrey, and New-st. and Fore-st., Limehouse, Middlesex, shipwrights.—*Geo. Ireland*, Old Church-st., Paddington, Middlesex, bricklayer.—*Samuel Norcliffe*, Brydges-street, Covent-garden, Middlesex, licensed victualler.—*Thos. Foster*, Barge-yard, Bucklersbury, London, wine merchant.

### SCOTCH SEQUESTRATIONS.

*Donald M'Andrew*, Newhall, Cromartysire, commission merchant.—*Mrs. May*, deceased, Lawgrove, near Perth.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Berwick* the younger, Birmingham, out of business, Aug. 27 at 10, County Court of Warwickshire, at Birmingham.—*John Tucker*, Birmingham, out of business, Aug. 27 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Merritt*, Birmingham, pln manufacturer, Aug. 27 at 10, County Court of Warwickshire, at Birmingham.—*A. Baker*, Bristol, grocer's assistant, Sept. 7 at 11, County Court of Gloucestershire, at Bristol.—*Samuel Hanson*, Idle, Yorkshire, out of business, Aug. 23 at 11, County Court of Yorkshire, at Bradford.—*George Shackleton*, Bradford, Yorkshire, out of business, Aug. 23 at 11, County Court of Yorkshire, at Bradford.—*J. Percy*, Bradford, Yorkshire, provision dealer, Aug. 23 at 11, County Court of Yorkshire, at Bradford.

*Saturday, Aug. 6.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John T. Davies*, Cambridge-road, Mile-end, Middlesex, tea dealer, No. 63,801 T.; *Wm. Beckwith*, assignee.—*Edmund H. Turnbull*, South Shields, Durham, grocer, No. 76,213 C.; *Henry Ray*, assignee.—*John S. Sargent* the younger, Devonport, Devonshire, out of business, No. 76,461 C.; *William Edgecombe*, assignee.—*Charles Crauford*, Gateshead, Durham, builder, No. 76,630 C.; *John Skelton*, assignee.—*Henry Wilders*, Uttoxeter, Staffordshire, cork manufacturer, No. 76,664 C.; *Joseph Wood*, assignee.—*Eliza M. Nixon*, widow, Exeter, Devonshire, out of business, No. 76,669 C.; *John Trehane*, assignee.—*George Southern*, Haswell, Durham, draper, No. 76,738 C.; *Thomas Morland*, assignee.

*Saturday, Aug. 6.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Mosley*, Mount-place, Whitechapel, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Marcus Bain*, Hampstead-street, Fitzroy-square, Middlesex, plasterer: in the Debtors Prison for London and Middlesex.—*Thomas W. Vokes*, York-road, Lambeth, Surrey, out of business: in the Queen's Prison.—*W. Gamble*, Maidenhead-court, Cannon-st., City, London, plumber: in the Debtors Prison for London and Middlesex.—*J. Compton*, High-st., St. Marylebone, Middlesex, merchant's clerk: in the Debtors Prison for London and Middlesex.—*John Brown*, Bradley-terrace, Wandsworth-road, Surrey, licensed retailer of beer: in the Debtors Prison for London and Middlesex.—*Wm. Pedder*, Luton, Bedfordshire, straw plait manufacturer: in the Debtors Prison for London and Middlesex.—*Thomas Dry*, Ealing, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.

*(On Creditors' Petition).*

*Wm. John Rummell*, Sion-row, Twickenham, Middlesex, butcher: in the Queen's Prison.—*John F. Stephens*, Basinghall-street, City, warehouseman: in the Queen's Prison.

*(On their own Petitions).*

*Richard Hobley*, Birmingham, baker: in the Gaol of Coventry.—*Joseph Nightingale*, Birmingham, out of business: in the Gaol of Coventry.—*John Field*, Edgerton, near Huddersfield, Yorkshire, joiner: in the Gaol of York.—*Guy F. L'Estrange*, Woolwich, Kent, in no profession: in the Gaol of Maidstone.—*Henry Hargreaves*, Chorley, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*Thomas Scholefield*, Wigan, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Mitchell*, Pudsey, near Leeds, Yorkshire, publican: in the Gaol of York.—*Wm. Shackleton*, Bradford, Yorkshire, whitesmith: in the Gaol of York.—*A. Holdaway* the younger, Botley Turnpike-gate, Southampton, collector of tolls: in the Gaol of Winchester.—*William Paul*, Yately, Southampton, blacksmith: in the Gaol of Winchester.—*James Kinnersley*, Birmingham, wheelwright: in the Gaol of Coventry.—*E. B. Tibbitt*, Birmingham, out of business: in the Gaol of Coventry.—*James Johnson*, Newcastle-upon-Tyne, warehouseman: in the Gaol of Newcastle-upon-Tyne.—*James Crossley*, Halifax, Yorkshire, tailor: in the Gaol of York.—*Charles Audley*, Toxteth-park, near Liverpool, cart driver: in the Gaol of Lancaster.—*S. Webster*, Manchester, butcher: in the Gaol of Lancaster.—*Thomas D. Munn*, Maidstone, Kent, whitesmith: in the Gaol of Maidstone.—*Wm. Pardington*, Leigh, Gloucestershire, out of business: in the Gaol of Gloucester.—*Joseph Simpson*, English Frankton, near Wem, Shropshire, out of business: in the Gaol of Shrewsbury.—*C. Burton*, Selby, Yorkshire, out of business: in the Gaol of York.—*Joseph Crabtree*, Woodhouse, near Leeds, Yorkshire, commission agent: in the Gaol of York.—*William Gibson*, Leeds, Yorkshire, fishmonger: in the Gaol of York.—*John Greenwood*, Idle, Yorkshire, cloth manufacturer: in the Gaol of York.—*E. Park*, Bradford, Yorkshire, wood turner: in the Gaol of York.—*Joseph Stocks*, Bradford, Yorkshire, general shopkeeper: in the Gaol of York.—*James Holroyd*, Shelf, near Halifax, Yorkshire, dyer: in the Gaol of York.—*E. Eastwood*, Dewsbury, Yorkshire, collector of rents: in the Gaol of York.—*J. H. M'George*, York, out of business: in the



shipowner, Aug. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Lett*, College-place, Camden-town, Middlesex, builder, Aug. 24 at 12, Court of Bankruptcy, London.—*Edward Smith*, South Shields, Durham, linendraper, Aug. 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Edward W. Uren*, Totnes, Devonshire, builder, Aug. 25 at 1, District Court of Bankruptcy, Exeter.

*To be granted, unless an Appeal be duly entered.*

*John H. May*, Brecknock-terrace, Camden-town, Middlesex, draper.—*Wm. E. Folitt*, Chenies-place, Somers-town, Middlesex, carver.—*George Milton*, Elizabeth-terrace, Liverpool-road, Islington, Middlesex, builder.—*Richard H. Davis*, Wellington, Somersetshire, money scrivener.—*James Burgess*, Over Tabley, Cheshire, contractor.—*Jonathan Waddington* the younger, Wigan, Lancashire, draper.—*Wm. Astingstall*, Pendleton, Lancashire, joiner.—*John Brandon*, Pensnett, Kingswinford, Staffordshire, draper.—*Jonas Woodhead* and *Joseph Woodhead*, Bradford, Yorkshire, file manufacturers.

#### PETITIONS DISMISSED.

*Wm. F. Donovan*, Oxford-street, Middlesex, poulterer and egg merchant.—*Wm. Lowcock*, Liverpool, butcher.

#### SCOTCH SEQUESTRATIONS.

*Thomas Henderson*, Glasgow, tailor.—*Wm. Urie Paterson*, Glasgow, tin-plate worker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Smith*, Midsomer Norton, Somersetshire, plumber, Aug. 17 at 1, County Court of Somersetshire, at Clutton.—*Charles Chapman*, Ferry Path, Chesterton, Cambridgeshire, carpenter, Aug. 11 at 10, County Court of Cambridgeshire, at Cambridge.—*Wm. Walder*, Cowfold, Sussex, farmer, Aug. 11 at 12, County Court of Sussex, at Cuckfield.—*John Allin*, Lindfield, Sussex, solicitor, Aug. 11 at 12, County Court of Sussex, at Cuckfield.—*Joseph Turner*, Eastbourne, Sussex, grocer, Aug. 9 at 12, County Court of Sussex, at Lewes.—*John Ewart*, Albrighton, Shropshire, licensed tea dealer, Aug. 20 at 10, County Court of Shropshire, at Madeley.

*Saturday, July 30.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Joseph Bray*, Hereford, innkeeper, No. 73,648 C.; *Thomas Hoddell*, assignee.—*John Jobson*, South Shields, Durham, common brewer, No. 76,746 C.; *Henry C. Jobson*, assignee.—*George Gordon Smith*, Taunton, Somersetshire, clerk, No. 48,026 T.; *Samuel Sturgis*, new assignee, Barton, late surviving assignee, deceased.—*Wm. Calvert*, Lumley, Durham, grocer, No. 76,380 C.; *Thomas White*, assignee.

*Saturday, July 30.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thos. Stephen Lansdell*, High-street, Southwark, Surrey, licensed victualler: in the Queen's Prison.—*James Shepherd*, Holland-street, Brixton, Surrey, manufacturer of mineral waters: in the Queen's Prison.—*John Pinder*, Spring-street, Hyde-park, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*John Day*, Melina-place, Cambridge-heath, Middlesex, jewellers' cabinet maker: in the Debtors Prison for London and Middlesex.—*Alfred W. Cole*, Westbourne-grove North, Bayswater, Middlesex, barrister-at-law: in the Debtors Prison for London and Middlesex.—*George Godfrey*, Hammersmith, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*Joseph H. Ellis*, Southgate-place, Southgate-road, Hackney, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*Frederick Boffey*, King-street, Lower-road, Islington, Middlesex, commission agent: in the Debtors Prison for London

and Middlesex.—*Robt. Gouldsbrough*, Milner-mews, Priests-street, Edgeware-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*George Eyles*, Little Stanmore, Edgeware, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Rudolph N. J. Freeman*, Howard's Coffee-house, St. James's-place, Aldgate, City, out of business: in the Debtors Prison for London and Middlesex.—*Geo. Hobb Williams*, Long-lane, West Smithfield, City, hairdresser: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Wm. Sills Poulton*, late a prisoner for debt in Winchester Gaol, Southampton, in no trade: in the Queen's Prison.

*(On their own Petitions).*

*William Jackson*, Lancaster, joiner: in the Gaol of Lancaster.—*George Stracken*, Birkenhead, near Liverpool, stone-mason: in the Gaol of Lancaster.—*Thos. Badger*, Torteth-park, Liverpool, shopman to a grocer: in the Gaol of Lancaster.—*Peter Dutton*, Blackburn, Lancashire, shoemaker: in the Gaol of Lancaster.—*John Chalton Peers*, Liverpool, baker: in the Gaol of Lancaster.—*John Ogden*, Manchester, brass founder: in the Gaol of Lancaster.—*Ann Darwin*, Manchester, out of business: in the Gaol of Lancaster.—*James Baillie*, Manchester, joiner: in the Gaol of Lancaster.—*David Hudson*, Manchester, butcher: in the Gaol of Lancaster.—*Michael Charlton*, Liverpool, auctioneer: in the Gaol of Lancaster.—*John Dunn*, Manchester, brewer: in the Gaol of Lancaster.—*Henry Green*, Heywood, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—*Richard Hall*, Manchester, maker-up: in the Gaol of Lancaster.—*W. Booth*, Manchester, out of business: in the Gaol of Lancaster.—*Richard Ormston*, Astley-bridge, near Bolton-le-Moors, Lancashire, labourer: in the Gaol of Lancaster.—*James Bamforth*, Ashton-under-Lyne, Lancashire, commission agent: in the Gaol of Chester.—*John Bennett*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas T. Molyneux*, Leeds, Yorkshire, sharebroker: in the Gaol of York.—*John Hindle*, Preston, Lancashire, cabinet maker: in the Gaol of Lancaster.—*Wm. Parr*, Newbury, Berkshire, innkeeper: in the Gaol of Reading.—*John Arthur*, Llanelly, Carmarthenshire, coal owner: in the Gaol of Carmarthen.—*W. Meredith*, Cefn, Coedcymmer, Vayner, Breconshire, builder: in the Gaol of Cardiff.—*Joseph Cunningham*, Hereford, coachsmith: in the Gaol of Hereford.—*John Crickmer*, Norwich, commercial traveller: in the Gaol of Norwich.—*Christopher Thornton*, Bradford, Yorkshire, woolcomber: in the Gaol of York.—*D. Foster*, York, out of business: in the Gaol of York.—*Thomas Goodyear*, Leeds, Yorkshire, bookkeeper: in the Gaol of York.—*Wm. Hughes*, Carnarvon, Carnarvonshire, grocer: in the Gaol of Carnarvon.—*Wm. T. Sadler*, Stockbridge, Southampton, out of business: in the Gaol of Winchester.—*Richard Hobbey*, Birmingham, baker: in the Gaol of Coventry.—*J. Nightingale*, Birmingham, out of business: in the Gaol of Coventry.—*John Field*, Edgerton, near Huddersfield, Yorkshire, joiner: in the Gaol of York.—*Guy F. L'Etrange*, Woolwich, Kent, in no profession: in the Gaol of Maidstone.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Berkshire, at READING, Aug. 17.*

*George Caldwell*, Chalfont St. Peter, Buckinghamshire, following no trade.—*Wm. Parr* the younger, Newbury, innkeeper.

*At the County Court of Durham, at DURHAM, Aug. 18.*

*Thomas Wilkinson*, Sunderland-near-the-Sea, agent for the sale of flour.

*At the County Court of Herefordshire, at HEREFORD, Aug. 18 at 10.*

*Joseph Cunningham*, Hereford, coachsmith.

*At the County Court of Suffolk, at IPSWICH, Aug. 19 at 10.*

*Charles W. Buckingham*, Ipswich, cabinet maker.

*At the County Court of Somersetshire, at TAUNTON, Aug. 22 at 9.*

*Stephen White*, Baltonsborough, near Somerton, out of business.

*At the County Court of Nottinghamshire, at NOTTINGHAM,  
Aug. 25 at 9.*

*John Ward, Nottingham, tailor.*

The Queen has been pleased to appoint William John Law, Esq., to be Chief Commissioner for the Relief of Insolvent Debtors, in the room of Henry Revell Reynolds, Esq., resigned; also Francis Stack Murphy, Esq., Serjeant-at-Law, to be one of the Commissioners for the Relief of Insolvent Debtors.

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written by him. This evidence was rejected; but when the family solicitor stated that he had acquired a knowledge of the writing from having examined, in the course of business, many deeds purporting to have been written by the ancestor, and which came to the claimant together with property formerly belonging to that ancestor, he was held competent to prove the writing. The question, whether writings not admissible as evidence in the cause, but purporting to be written by the party whose handwriting is disputed, may be put into a witness's hand for the purpose of testing his knowledge of the party's handwriting, was decided by the Court of Queen's Bench in the negative; (*Griffiths v. Ivory*, 11 Ad. & El. 322); but this decision was dissented from in the Exchequer. (*Young v. Honner*, 2 Moo. & R. 536; and see *Hughes v. Rogers*, 8 M. & W. 125).

The conclusion at which the Commissioners arrive is, that the comparison of a disputed writing with writings acknowledged to be genuine (and when used by the party in whose handwriting they are, if written ante litem motam) should be permitted to be made by witnesses, and that such writings should be submitted to the jury as evidence as to the genuineness of the writings in dispute.

The impolicy of making the claims of justice depend upon the interests of the revenue does not escape the notice of the Commissioners, and although the scope of their authority does not permit them to suggest the only complete remedy, which would be the severance of the connexion between revenue and the administration of justice, yet their recommendations, if carried out, would tend to mitigate the evils of the present system. They propose that the officer of the Court, at Nisi Prius, should call the attention of the judge to any omission or insufficiency of a stamp, and that such officer should be empowered to affix the necessary stamp on payment of the penalty and duty. As an inducement to parties not to attempt to evade the law, it might (they add) be provided that the penalty, if paid at the trial, should be somewhat higher than if paid at the Stamp-office. They do not, however, intend to interfere with such instruments as bills of exchange and receipts, which, if not stamped at the time of their execution, cannot be afterwards stamped, even on payment of a penalty. We may here observe, that by a bill now before Parliament it is proposed to affix a uniform penny stamp on all receipts for sums above 2*l.*, as well as on all bills payable on demand to bearer or to order.

We trust that bills of exchange will be taken out of the operation of the stamp laws altogether, or, at all events, placed in the same category as the other documents which the officer at Nisi Prius may stamp at the trial. It is monstrous that it should lie in the mouth of a party, who has put his name to an instrument, to say that he evaded the law relating to stamps, and therefore he is to escape all liability to the parties who supplied goods or advanced money on the faith of such instrument.

We understand that the suggestions of the learned Commissioners upon the Law of Evidence\*, all of which

\* See ante, pp. 213, 241.

we have now considered, will be embodied in the bill for improving such law which has come down from the House of Lords to the House of Commons, but that the remainder of the report will not be brought before the Legislature until next session.

## PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 290).

### CAP. XXIV.

An Act to confirm and extend certain Provisional Orders of the General Board of Health for the Towns of Wakefield, Elland, Wallasey, Dudley, Barnsley, Dorchester, and Walspool. [9th May, 1853.]

### CAP. XXV.

An Act for raising the Sum of Seventeen Millions Seven Hundred and Forty-two Thousand Five Hundred Pounds by Exchequer Bills, for the Service of the Year 1853. [13th May, 1853.]

### CAP. XXVI.

An Act to provide for the supplying of Vacancies in Town Councils of Burghs in Scotland consequent on null or irregular Elections. [14th June, 1853.]

### CAP. XXVII.

An Act for empowering the Sheriff and Commissary of Berwickshire to hold Courts at Dunse, and for other Purposes. [14th June, 1853.]

### CAP. XXVIII.

An Act to amend the Law as to taking the Poll at Elections of Members to serve in Parliament for Scotland. [14th June, 1853.]

- Sect. 1. So much of 2 & 3 Will. 4, c. 65, as relates to the duration of polls, &c. at elections, repealed.
2. Power to sheriff, with consent of Lord Advocate, to increase or alter number and arrangement of polling places, so that not more than 300 electors shall poll at one place. No alteration to take place until notice shall be advertised. No notice of objections by ten inhabitant electors.
3. Inhabitant electors, being not less than ten, may petition for increase or other alteration of polling places.
4. Sheriff, if required, shall direct more booths to be provided. No poll to be taken at any place licensed for sale of beer, &c., except by consent.
5. Where voters shall poll.
6. Voters may claim to vote in another district in certain cases.
7. Non-resident voters, with island qualifications, may vote at the county town.
8. Declaration of the poll in certain cases.
9. Poll to be kept open only one day. Order and manner of polling.
10. Poll to be kept open two days in Orkney and Shetland.
11. As to the word "burgh."

### CAP. XXIX.

An Act for regulating the Weights used in Sales of Bullion. [14th June, 1853.]

- Sect. 1. Sales of bullion and precious stones by the troy ounce, and multiples and decimal parts thereof, to be good and valid.
2. Models of the multiples and decimal parts of the troy ounce to be made and verified under the direction of the Treasury. Models to be deposited.
3. Persons using the weights authorised by this act not liable to certain penalties imposed by 5 & 6 Will. 4, c. 63.
4. The 1st and 2nd sections of this act incorporated with 5 & 6 Will. 4, c. 63.
5. Contents of weights to be stamped thereon.

## CAP. XXX.

An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law. [14th June, 1853.]

- Sect. 1. *Power of punishing, on summary Conviction, Assaults committed on Females, and Male Children under fourteen Years of Age, and occasioning actual bodily Harm, extended. No Appeal against such Conviction.*
2. *Court of General or Quarter Sessions may, upon Proof of Conviction and Notice to Parties, declare a Recognisance to keep the Peace or to be of good Behaviour to be forfeited.*
3. *Detention of Persons committed to Prison for not entering into Recognisance limited.*
4. *Indictments for Misdemeanour not to be removed by Certiorari, except on Affidavit that a fair Trial cannot be had.*
5. *No Certiorari to issue to remove Indictment, unless Recognisance given for Payment of Costs.*
6. *How Costs to be taxed and recovered.*
7. *If no Recognisance given, Court to try as if no Certiorari awarded.*
8. *Not to apply to certain Certioraris awarded.*
9. *Secretary of State may issue his Warrant for bringing up a Prisoner (not in Custody under Civil Process) to give Evidence.*
10. *Extent of Act.*

Whereas the present law has been found insufficient for the protection of women and children from violent assaults: be it enacted &c. as follows:—

Sect. 1. When any person shall be charged before two justices of the peace sitting at a place where the petty sessions are usually held, or before any magistrate of the police courts of the metropolis sitting at any such police court, or before any stipendiary magistrate elsewhere, with an assault upon any female whatever, or upon any male child whose age shall not, in the opinion of such justices or police or stipendiary magistrates, exceed fourteen years, either upon the complaint of the party aggrieved or otherwise, it shall be lawful for the said justices or police or stipendiary magistrate, if the assault is of such an aggravated nature that it cannot, in their or his opinion, be sufficiently punished under the provisions of the stat. 9 Geo. 4, c. 31, to proceed to hear and determine in a summary way, and if they shall find the same to be proved, to convict the person accused; and every offender so convicted shall be liable to be imprisoned in the common gaol or house of correction, with or without hard labour, for a period not exceeding six calendar months, or to pay a fine not exceeding (together with costs) the sum of 20*l.*, and in default of payment to be imprisoned as aforesaid, with or without hard labour, for a period not exceeding six calendar months, unless such fine and costs be sooner paid, and if the magistrate or magistrates shall so think fit, shall be bound to keep the peace and be of good behaviour for any period not exceeding six calendar months from the expiration of such sentence; and such conviction shall be a bar to all future proceedings, civil or criminal, for or in respect of the same assault; and no person convicted under this act shall be entitled to appeal against such conviction to the general quarter sessions of the peace, anything to the contrary in any statute notwithstanding.

2. Where any recognisance to keep the peace or to be of good behaviour is entered into by any person, as principal or surety, before the court of general or quarter sessions of the peace of any county, riding, division, city, borough, or place, or before any justice or justices of the peace of any county, riding, division, city, borough, or place, it shall be lawful for any such court of general or quarter sessions of the peace as aforesaid, upon applications made to such court, to declare such recognisance to be forfeited, upon proof of a conviction of the party bound by such recognisance of any offence which is in law a breach of the condition of the same; and upon further proof that a notice in writing, signed by the person seeking to put such recognisance in force, has, seven clear days before the commencement of such sessions, been personally served upon or left at the usual place of abode of the party or each of the parties (if more than one) who entered into such recognisances, that an application will be made to

the said general or quarter sessions, that the said recognisance shall be declared forfeited; and if such recognisance shall be declared forfeited, all such proceedings shall be had thereon as in the case of a recognisance forfeited at such court of general or quarter sessions, and all the provisions of the 3 Geo. 4, c. 46, and of the 4 Geo. 4, c. 37, applicable to a recognisance so forfeited at such court, shall apply to a recognisance which shall, upon such application and proof as hereinbefore mentioned, be declared to be forfeited; and upon notice in writing of such intended application to the said general or quarter sessions being given to any justice or justices, before whom any such recognisance shall have been taken, four clear days before the commencement of the said sessions, the said justice or justices shall transmit the said recognisance to the clerk of the peace of the county, riding, division, city, borough, or place within which the said recognisance shall have been taken, with a certificate that the said recognisance is sent to him by reason of such last-mentioned notice having been so given as aforesaid.

3. No person committed to prison under any warrant or order of one justice of the peace, for or on account of not entering into recognisances or finding sureties to keep the peace or to be of good behaviour, shall be detained under such warrant or order for more than twelve calendar months from the time of such commitment.

4. And whereas, by reason of the establishment of a court of criminal appeal, the removal of indictments by writ of certiorari is seldom necessary for the decision of questions of law, but is nevertheless sometimes resorted to for purposes of expense and delay: be it enacted, that no indictment, except indictments against bodies corporate not authorised to appear by attorney in the court in which the indictment is preferred, shall be removed into the Court of Queen's Bench, or into the Central Criminal Court, by writ of certiorari, either at the instance of the prosecutor or of the defendant, (other than the Attorney-General acting on behalf of the Crown), unless it be made to appear to the Court from which the writ is to issue, by the party applying for the same, that a fair and impartial trial of the case cannot be had in the court below, or that some question of law of more than usual difficulty and importance is likely to arise upon the trial, or that a view of the premises in respect whereof any indictment is preferred, or a special jury, may be required for the satisfactory trial of the same.

5. And whereas it is expedient to make further provision for preventing the vexatious removal of indictments into the Court of Queen's Bench: be it therefore enacted, that whenever any writ of certiorari to remove an indictment into the said court shall be awarded at the instance of a defendant or defendants, the recognisance now by law required to be entered into before the allowance of such writ shall contain the farther provision following; that is to say, that the defendant or defendants, in case he or they shall be convicted, shall pay to the prosecutor his costs incurred subsequent to the removal of such indictment; and whenever any such writ of certiorari shall be awarded at the instance of the prosecutor, the said prosecutor shall enter into a recognisance (to be acknowledged in like manner as is now required in cases of writs of certiorari awarded at the instance of a defendant) with the condition following; that is to say, that the said prosecutor shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs incurred subsequent to such removal.

6. The costs hereinbefore respectively mentioned shall be taxed according to the course of the Court of Queen's Bench; and for the recovery thereof the persons entitled thereto shall, at the expiration of ten days after demand made of the person or persons at whose instance the writ of certiorari was awarded, and on oath made of such demand and refusal of payment, have a writ of attachment granted against him or them by the Court of Queen's Bench for such contempt; and the said Court shall and may also order the said recognisance to be estreated into the Exchequer.

7. If the person or persons at whose instance any writ of certiorari shall be awarded shall not, before the allowance thereof, enter into such recognisance as is hereinbefore provided, the Court to which such writ may be directed shall and may proceed to the trial of the indictment, as if such writ of certiorari had not been awarded.

8. This act shall not extend to any writ of certiorari awarded at the instance of her Majesty's Attorney-General.

9. It shall be lawful for one of her Majesty's principal Secretaries of State, or any judge of the Court of Queen's Bench or Common Pleas, or any baron of the Exchequer, in any case where he may see fit to do so, upon application by affidavit, to issue a warrant or order under his hand for bringing up any prisoner or person confined in any gaol, prison, or place, under any sentence or under commitment for trial or otherwise, (except under process in any civil action, suit, or proceeding), before any court, judge, justice, or other judicature, to be examined as a witness in any cause or matter, civil or criminal, depending, or to be inquired of, or determined in or before such court, judge, justice, or judicature; and the person required by any such warrant or order to be so brought before any such court, judge, justice, or other judicature shall be so brought under the same care and custody, and be dealt with in like manner in all respects, as a prisoner required by any writ of habeas corpus awarded by any of her Majesty's superior Courts of law at Westminster to be brought before such Court to be examined as a witness in any cause or matter depending before such Court is now by law required to be dealt with.

10. This act shall not extend to Scotland or Ireland.

#### CAP. XXXI.

An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year 1853.

[14th June, 1853.]

#### CAP. XXXII.

An Act to make further Provision for staying Execution of Judgment for Misdemeanours upon giving Bail in Error.

[28th June, 1853.]

- Sect. 1. No Execution to be stayed or Defendant discharged from Custody till Recognisance given for Defendant's personal Appearance, except when Writ brought by Attorney-General.*
- 2. Where Default in personal Appearance of Defendant on the Argument, Court may order Recognisance to be estreated, and Writ of Error to be quashed.*
- 3. No Judgment to be given for Defendant for Want of a Joinder in Error, except by Order of the Court in open Court; and Court may examine Record, and give Judgment, though no Assignment of Errors filed.*
- 4. Where Judgment affirmed, Defendant, if present in Court, may be committed in Execution.*
- 5. Where Recognisance has been estreated, or Judgment affirmed, or Writ of Error quashed, a Judge may issue Warrant to take Defendant, and render him to Prison in Execution.*
- 6. How Time of Imprisonment shall be reckoned when Defendant rendered in Execution.*
- 7. If Default be made in rendering Defendant to Prison, and Warrant be issued against him, he shall pay the Costs and Charges of the Render.*
- 8. Where Default made by Defendant in proceeding to Trial in Queen's Bench, Court may estreat Recognisance without Scire Facias.*

Whereas by an act passed in the 8 & 9 Vict. [c. 68], intitled "An Act to stay Execution of Judgment for Misdemeanours upon giving Bail in Error," it is amongst other things provided that no execution upon any such judgment shall be stayed unless and until the defendant or defendants shall become bound by recognisance to prosecute the writ of error with effect, and in case the judgment shall be affirmed, forthwith to render the defendant or defendants to prison, according to the said judgment, where imprisonment shall have been adjudged: and whereas it is expedient to make further provision for securing the render of a defendant to prison, according to the judgment given against him, when such judgment shall have been affirmed, or such writ of error shall have been quashed: be it therefore enacted &c. as follows:—

*Sect. 1.* In every case in which a writ of error shall be brought to reverse any judgment for misdemeanour, except when the same shall be brought by her Majesty's Attorney-General, no execution thereupon shall be stayed, nor shall any defendant be discharged from imprisonment as to such execution, unless and until he shall become bound by recognisance, to be acknowledged in manner in the said act mentioned, to

prosecute the writ of error with effect, and personally to appear in the court wherein such writ may be returnable on the day whereon judgment shall be given upon the said writ of error, and also, if so ordered by the court or by a judge thereof, four days' notice being given either to the defendant or his attorney or to the bail personally, or by leaving the same at his or their last known place of abode on the days and times appointed for any proceeding upon the said writ, and so from day to day, and not to depart that court without leave, and forthwith to render the said defendant to prison, according to the said judgment, in case the said judgment shall be affirmed.

*2.* In every case in which a defendant shall make default in prosecuting such writ of error with effect, or in personally appearing in the court of error upon any proceeding to be had upon such writ of error as aforesaid, it shall be lawful for the said Court to order the said recognisance to be estreated into the Court of Exchequer in a summary way, and without the issuing of any writ of scire facias in that behalf, and also to order the said writ of error to be quashed, without any argument being had thereupon; and in every such case the defendant shall forthwith be liable to execution upon the judgment.

*3.* Whenever any writ of error shall be brought, under the provisions of the said act, for reversing any judgment in misdemeanour, and error shall be assigned thereon, no judgment of reversal shall be entered, either for want of a joinder in error or otherwise, without the special order of the Court in which such writ of error shall be pending, pronounced in open court; and upon a certificate, signed by or on behalf of the Attorney or Solicitor General, that notice has been given to one of them of such intended application, and in the event of there being no joinder in error, such Court of error may proceed to examine the record in error, and may give such judgment thereon as the Court from which error is brought ought to have done, although no joinder in error may have been filed.

*4.* In every case in which a defendant shall personally appear in court upon any proceeding had upon any such writ of error, and judgment thereupon shall be affirmed, or such writ of error shall be quashed, it shall be lawful for such Court of error forthwith to commit the said defendant to the keeper of the Queen's Prison, and to order the said keeper to deliver such defendant to the keeper of the gaol or prison in which he may have been adjudged to be imprisoned; and the said keeper of the Queen's Prison shall thereupon deliver such defendant to the keeper of such gaol or prison, and the keeper of such last-mentioned gaol or prison shall thereupon cause such defendant to be kept in safe custody in such gaol or prison, in pursuance of and in execution of the said judgment.

*5.* And whenever it shall be made to appear to any one of the judges of the superior courts of record at Westminster, either by affidavit or by certificate of the proper officer of the court of error, that the recognisance of a defendant given under the provisions of this act hath been ordered to be estreated, or that judgment upon the said writ hath been affirmed, or that such writ of error hath been quashed, and that default hath been made by the space of four days in rendering the defendant to prison in execution of the judgment, it shall be lawful for such judge to issue his warrant under his hand and seal, and thereby to cause such defendant to be apprehended, and conveyed to the gaol or prison in which such defendant may have been adjudged to be imprisoned, pursuant to and in execution of the judgment given against such defendant.

*6.* In every case in which a defendant shall be committed by any Court of error, in execution of the judgment given against such defendant, and in every case in which a defendant shall, by virtue of any warrant or in other manner, be rendered to prison in execution of such judgment, the imprisonment of such defendant (if imprisonment shall not have commenced under such execution) shall be reckoned to begin from the day when such defendant shall be in actual custody in the gaol or prison in which he may have been adjudged to be imprisoned under such judgment; and if the defendant shall have been discharged from imprisonment on giving bail in error, as is hereinbefore mentioned, such defendant shall be imprisoned for such further period in the same prison as, with the time during which such defendant may already have been imprisoned under such execution, shall be equal to the period for which he was adjudged to be imprisoned as aforesaid.

7. Whenever default shall have been made in rendering a defendant to prison in execution of a judgment for misdemeanour, and a warrant shall have been issued against such defendant to enforce such render to prison, according to the provisions of this act, such defendant shall be liable to pay the costs and charges of such render; and if the prosecutor shall, before the expiration of the defendant's imprisonment, have caused the amount of such costs and charges to be ascertained by one of the Masters or the Assistant Master on the crown side of the Court of Queen's Bench, and shall have left with the said defendant, and with the keeper of the prison or his deputy, a certificate, under the hand of such Master or Assistant Master, of the amount of such costs so ascertained, then and in every such last-mentioned case the defendant shall not be discharged out of custody until such costs and charges have been paid, or until an order has been made by the Court for the Relief of Insolvent Debtors or of Bankruptcy for such discharge.

8. And whereas, in cases of default made by parties in performing the conditions of recognisances into which they may have entered to proceed to the trial of issues joined upon any indictment or information filed in her Majesty's Court of Queen's Bench, it hath been the usage and practice to enforce the forfeiture of such recognisances by writ of scire facias, and the course of procedure by scire facias in such cases is dilatory, inconvenient, and expensive: be it therefore enacted, that in every such case of default it shall be lawful for the said court, or a judge thereof, to call upon the parties who have entered into such recognisance, by rule or order to shew cause why such recognisance should not be estreated into the Exchequer, and thereupon, unless cause shall be shewn to the satisfaction of the said court or judge, in excuse of such default, such court or judge may order such recognisance to be estreated into the Exchequer.

(To be continued).

### London Gazettes.

FRIDAY, AUGUST 12.

#### BANKRUPTS.

REUBEN BROOKS, Brixton Oval, Surrey, picture dealer, dealer and chapman, Aug. 27 at 11, and Oct. 3 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Messrs. Linklater, 17, Sise-lane, London.—Petition dated Aug. 9.

THOMAS CULLINGWORTH, Woolley Mills, near Wakefield, Yorkshire, corn miller, dealer and chapman, Aug. 30 and Sept. 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Harle, Leeds.—Petition dated Aug. 8.

THOMAS CARTWRIGHT DAVENPORT, Birkenhead, Cheshire, coal merchant, dealer and chapman, (trading under the name of Thomas Davenport), Aug. 24 and Sept. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Fletcher & Hull, Liverpool.—Petition filed Aug. 3.

#### MEETINGS.

E. J. Coates and J. Hillard, Bread-st., Cheapside, London, and Manchester, Liverpool, and Leicester, and New York, America, merchants, Aug. 26 at 2, Court of Bankruptcy, London, pr. d.—Edward Cowper Fyffe and Ebenezer Wathen Fyffe, Howford-buildings, Fenchurch-street, London, merchants, and Edward Fyffe the younger, Calcutta, East Indies, merchant, Aug. 26 at half-past 12, Court of Bankruptcy, London, last ex. of E. C. Fyffe and E. W. Fyffe.—T. Lett, College-place, Camden-town, Middlesex, builder, Aug. 24 at 12, Court of Bankruptcy, London, aud. ac.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

Edw. Green, Cork-street, Westminster, Middlesex, tailor, Sept. 2 at 12, Court of Bankruptcy, London.—E. Harris, Merthyr Tydvil, Glamorganshire, pawnbroker, Sept. 13 at 11, District Court of Bankruptcy, Bristol.—William Derry the younger, Wolverhampton, Staffordshire, brickmaker, Sept. 6 at 12, District Court of Bankruptcy, Birmingham.—James

Gray, Wolverhampton, Staffordshire, carrier, Sept. 6 at 12, District of Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

C. Clark, Cambridge, gun manufacturer.—T. D. Stearn, Ipswich, Suffolk, plumber.—C. G. Lacon, New-st., Dorset-square, Middlesex, grocer.—Edmund Lloyd, Gloucester, vinegar manufacturer.—Edward Ridley, Liverpool, tailor.—Joseph Adams, Houghton, Hammer, Flintshire, cheese dealer.

#### PETITIONS ANNULLED.

Fabian Street, Parkstone, Poole, coal merchant.—Bogos Mirasyedi, Manchester, merchant.

#### SCOTCH SEQUESTRATIONS.

John Wood, deceased, Edinburgh, writer.—Robert Pringle, Piershill, near Edinburgh, sutler.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

David Scott, Liverpool, out of business, Aug. 16 at 10, County Court of Lancashire, at Liverpool.—R. Holdbrook, widow, Swansea, Glamorganshire, milliner, Aug. 18 at 10, County Court of Glamorganshire, at Swansea.—Ralph Day, Brotton, near Redcar, Yorkshire, stonemason, Aug. 26 at 10, County Court of Yorkshire, at Stokesley.—Griffith Jones, Salford, Lancashire, bookkeeper, Aug. 24 at 1, County Court of Lancashire, at Salford.—John Chapman, Bishop's Hatfield, Hertfordshire, bricklayer, Aug. 31 at half-past 10, County Court of Hertfordshire, at St. Albans.—Charles Hill, Hemel Hempstead, Hertfordshire, saddler, Aug. 31 at half-past 10, County Court of Hertfordshire, at St. Albans.—Williams Edwards, Lostock Gralam, near Northwich, Cheshire, out of business, Aug. 29 at 11, County Court of Cheshire, at Northwich.—John Bates, Stokenchurch, Oxfordshire, chair turner, Aug. 16 at 11, County Court of Buckinghamshire, at High Wycombe.—Thomas Henry Payne, Brighton, Sussex, out of business, Aug. 27 at 10, County Court of Sussex, at Brighton.—Thomas W. Berrati, Walsall, Staffordshire, tailor, Aug. 26 at half-past 9, County Court of Staffordshire, at Walsall.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Nov. 2 at 10, before the CHIEF COMMISSIONER.

John Hard, Bridge Foot, Vauxhall, Lambeth, Surrey, builder.—Wm. Baker the younger, Cross-road, Croydon-common, Croydon, Surrey, shopman to a grocer.—Joseph M. E. A. F. Barron, Drayton-villas, Old Brompton, Middlesex, clerk in the Admiralty, Somerset House.—Charles Henry Paddon, Stoke Newington-green, Islington, Middlesex, attorney's clerk.—Edward Smeed, Cambridge-road, Mile-end, Bethnal-green, Middlesex, butcher.—Duncan Blanckley Shaw, Northumberland-street, Strand, Middlesex, civil engineer.—John Arthur Brett, Mercer's-terrace, Limehouse, Middlesex, master mariner.—Moses Gumpertz, New-street, Gravel-lane, Houndsditch, London, coal dealer.

Nov. 2 at 11, before Mr. Commissioner MURPHY.

Ebenezer C. Harris, Canonbury-street, Islington, Middlesex, clerk in the Admiralty-office, Somerset House.—Thomas W. Hancox, Upper Martha-street, Cambridge-heath-gate, Bethnal-green, Middlesex, wheelwright.—T. Joseph Roberts, Lucas-street, Commercial-road East, Middlesex, provision cooper.—Wm. Holdich, Farringdon-street, London, shopman to a linendraper.—Bernett Lea, Spencer-place, Brixton-road, Lambeth, Surrey, haircutter.—Abraham Butler, York-street East, Commercial-road East, Middlesex, smith.—D. Jordan, East-row, Kensall New-town, Middlesex, foreman to a builder.—Geo. F. Booth, John's-row, Old-street, St. Luke's, Middlesex, licensed retailer of beer.

Nov. 3 at 10, before the CHIEF COMMISSIONER.

Geo. Hale, Woolwich, Kent, carpenter.—John Scotter, Britannia-road, City-road, Middlesex, out of business.—Edw. John Ford, Tranquil-vale, Blackheath, Kent, fly proprietor.—Thos. S. Creasy, Wood-street, Marlborough-road, Chelsea,

Middlesex, pianoforte maker.—*Susannah Roof*, Southampton-row, Russell-square, Middlesex, in no profession.—*M. Eihell*, Great Ormond-street, Queen-street, Middlesex, out of employ.—*John Collingbourn*, Church-street, Camberwell-green, Surrey, cowkeeper.—*George J. Betts*, Bath-place, Larkhall-rise, Clapham, Surrey, plumber.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Wm. Prince*, Glossop, Derbyshire, retail dealer in ale, No. 76,797; *J. Sheppard*, assignee.—*J. T. Heep*, Hulme, Manchester, out of business, No. 76,694; *John Lavery*, assignee.—*Elias Jenkinson*, Heaton Norris, near Manchester, out of business, No. 76,810; *John Mitchell*, assignee.—*Nicholas H. Delamere*, West Derby, coal merchant, No. 76,869; *Joseph Greenough*, assignee.—*Thos. Sterratt*, Kearsley, near Bolton-le-Moors, drysalter, No. 76,821; *Edward Knowles*, assignee.—*Wm. Bonney*, Poulton-le-Sands, near Lancaster, contractor, No. 76,806; *James Snooks Cusner*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Aug. 26 at 10.*

*Wm. Jackson*, Manchester, joiner.—*Thos. Badger*, Liverpool, shopman to a grocer.—*John C. Peers*, Liverpool, baker.—*John Hackett*, Liverpool, slipper manufacturer.—*E. Coppock*, Wheelton, near Chorley, out of business.—*Ann Darwin*, Manchester, out of business.—*John Ogden*, Manchester, brass-founder.—*Richard Hall*, Manchester, maker-up.—*Edward Jones*, Liverpool, out of business.—*Henry Green*, Heywood, near Bury, out of business.—*Wm. Haworth*, Marsden, near Burnley, stonemason.—*Wm. Dawson*, Accrington, out of business.—*Patrick Collins*, Liverpool, carter.—*James Baillie*, Manchester, joiner.—*James Leaver*, Blackburn, beer seller.—*Michael Charlton*, Bury, auctioneer.—*John Bennett*, Manchester, out of business.—*John Dunn*, Manchester, brewer.—*David Hudson*, Manchester, butcher.—*Richard Ormston*, Astley-bridge, near Bolton-le-Moors, labourer.—*A. Bayley*, Manchester, out of business.—*John Butcher*, Preston, provision dealer.—*Geo. Strachan*, Birkenhead, near Liverpool, stonemason.—*John Barker*, Liverpool, shopman.—*J. Wade*, Galway, Ireland, miller.—*Thos. Holehouse*, Dukinfield, near Ashton-under-Lyne, ironmonger.—*Nathaniel Bagshaw*, Salford, out of business.—*John English*, Liverpool, shipwright.—*Wm. Moon*, Blackpool, cab proprietor.—*Robert Hancock*, Manchester, grocer.—*William Waugh*, Hulme, Manchester, grocer.—*Wm. Booth*, Hulme, Manchester, butcher.—*John Hindle*, Preston, joiner.

*At the County Court of Kent, at DOVER, Aug. 29 at 10.*

*Chas. Viner*, Southwood, near Ramsgate, in no profession.—*Henry Hobday*, Folkestone, baker.—*John Bille*, Dover, watchmaker.

*At the County Court of Yorkshire, at YORK, Aug. 29.*

*James Davenport*, Sheffield, out of business.—*Wm. Lamb*, Bishophill, joiner.—*S. Broadrick*, Bridlington Quay, fisherman.—*J. Hutchinson*, Bridlington Quay, fisherman.—*John Lyon*, Bridlington Quay, fisherman.—*Arthur Miles*, Bridlington Quay, fisherman.—*Joe. Stocks*, Bradford, general shopkeeper.—*Christopher Burton*, Selby, out of business.—*Joe. Crabtree*, Woodhouse, near Leeds, general dealer.—*W. Gibson*, Kirkgate, Leeds, fishmonger.—*John Greenwood*, Idle, cloth manufacturer.—*David Foster*, York, out of business.—*Edward Southill*, Sowerby, near Halifax, dyer.—*Thos. Goodyear*, Holbeck-bridge, Leeds, bookkeeper.—*Christopher Thornton*, Shipley, near Bradford, wool comber.—*J. Holmes*, Norwood-green, near Halifax, farmer.—*Benjamin Eastwood*, Dewsbury, flour dealer.—*John Field*, Edgerton, joiner.—*W. Oates*, Leeds, dealer in river moulding sand.—*J. Nettleton* the elder, Ossett, labourer.—*Thomas Turner Moynens*, Leeds, sharebroker.—*Thos. Mitchell*, Pudsey, near Leeds, publican.—*Wm. Shackleton*, Bradford, whitesmith.—*James Crossley*, Northgate, near Halifax, draper.—*Jas. Holroyd*, Shelf, near Halifax, dyer.—*Geo. Nelson*, Hanging Heaton, near Dewsbury, stonemason.—*James Henderson M'George*, York, out of business.—*Wm. Kidd*, Leeds, brass finisher.—*Isaac Geel*, Bowling, near Bradford, out of business.—*George Armitage*, York Castle, out of business.—*Elliott Park*, Bradford, wood turner.

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 31 at 10.*

*James Thomas*, Gloucester, commission agent for the sale of wine.—*James Daniel Wheeler*, Gloucester, out of business.

TUESDAY, AUGUST 16.

#### BANKRUPTS.

**JOHN COLLETT JACKSON** and **ADOLPHUS FEISTAL HARRISON**, Union-court, Old Broad-street, London, merchants and foreign agents, Aug. 26 at half-past 1, and Sept. 23 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Moss, 55, Gracechurch-street, London.—Petition filed Aug. 3.

**FREDERICK WILLIAM STRICKLAND**, Kensington-crescent, Kensington, and Symond's-inn, Chancery-lane, Middlesex, wine merchant, dealer and chapman, Aug. 27 at half-past 11, and Sept. 23 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Sydney, 46, Finsbury-circus.—Petition filed Aug. 5.

**WILLIAM SMITH**, High-street, Shadwell, Middlesex, licensed victualler, Sept. 1 at half-past 1, and Sept. 23 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Child & Son, 62, Cannon-street, London.—Petition filed Aug. 6.

**WILLIAM BARTON**, Rosemary Branch Tavern, Islington, Middlesex, licensed victualler, dealer and chapman, Aug. 26 at 1, and Sept. 23 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Jewitt, 45, Lime-street, London; Levy, 14, Arundel-street, Strand.—Petition filed Aug. 12.

**ROBERT LEA**, Grantham, Lincolnshire, draper, dealer and chapman, Aug. 26 and Sept. 23 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Barlow & Sons, Birmingham; Wadsworth, Nottingham; Mardon & Prichard, London.—Petition dated July 27.

**JOHN WILLIAMS**, Lower Wookey-mills, Wells, Somersetshire, paper maker, dealer and chapman, Aug. 29 and Sept. 28 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Bevan & Girling, Bristol.—Petition filed July 25.

**JOHN CORNISH**, Tiverton, Devonshire, grocer, Aug. 25 and Sept. 22 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sol. Dunsford, Tiverton; Turner, Exeter.—Petition filed Aug. 6.

**WILLIAM LAYCOCK**, Bradford, Yorkshire, innkeeper, dealer and chapman, Aug. 30 at 12, and Sept. 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated Aug. 12.

**JOHN TATE**, Darlington, Durham, iron merchant, dealer and chapman, Aug. 26 at half-past 12, and Sept. 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sol. Preston, Leeds; Ingledew & Daggett, Newcastle-upon-Tyne; Williamson & Co., 10, Great James-street, Bedford-row, London.—Petition filed Aug. 5.

#### MEETINGS.

*Francis Robinson*, Manchester, publican, Aug. 26 at 11, District Court of Bankruptcy, Manchester, last ex.—*James H. Gibbons*, Wood-st., Cheapside, London, straw-hat warehouseman, Sept. 7 at 12, Court of Bankruptcy, London, aud. ac.—*Luigi Bareggi*, *Francesco Forsano*, and *Bassano Bergamaschi*, Greville-st., Hatton-garden, Middlesex, wood carvers, Sept. 7 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Fawcett*, Liverpool, merchant, Aug. 26 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Jas. Wood*, Leeds, Yorkshire, joiner, Aug. 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Crow Twymman*, Ramsgate, Kent, upholsterer, Sept. 8 at half-past 12, Court of Bankruptcy, London.—*Alfred Pishorn Capel*, Witham, Essex, druggist, Sept. 8 at 12, Court of Bankruptcy, London.—*J. Wallace*, Gordon's Hotel, Covent-garden, Middlesex, merchant tailor, Sept. 8 at 1, Court of Bankruptcy, London.—*Thos. Watson*, King's Lynn, Norfolk, merchant, Sept. 7 at 11, Court of Bankruptcy, London.—*H. Prior* and *H. Atkinson*, Wood-st., London, Manchester



warehousemen, Sept. 7 at 1, Court of Bankruptcy, London.—*Geo. Geddes*, Wotton-under-Edge, Gloucestershire, tailor, Sept. 6 at 11, District Court of Bankruptcy, Bristol.—*Thos. N. Ashman*, Yeovil, Somersetshire, carrier, Sept. 8 at 1, District Court of Bankruptcy, Exeter.—*Geo. H. Julian*, Exeter, coal dealer, Sept. 8 at 1, District Court of Bankruptcy, Exeter.—*J. G. Upward*, Lyme Regis, Dorsetshire, draper, Sept. 8 at 1, District Court of Bankruptcy, Exeter.—*Louisa Foster*, Paignton, Devonshire, linendraper, Sept. 8 at 1, District Court of Bankruptcy, Exeter.—*Jos. Abbott*, Reddish, Manchester, grocer, Sept. 7 at 12, District Court of Bankruptcy, Manchester.—*John Knight*, Spotland, Rochdale, Lancashire, bleacher, Sept. 8 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Christopher Nanson*, Windsor-terrace, Vauxhall-road, Pimlico, Middlesex, cabinet maker.—*Wm. Brittain*, Finchley New-road, Hendon, Middlesex, builder.—*Alex. Dalrymple*, Lime-street, London, merchant.—*Richard Faithfull*, King-street, and George-street, Portman-square, Middlesex, coach builder.—*John Stately*, Salisbury-street, Stepney, Middlesex, marble mason.—*John Robertson*, St. Mary-street, Woolwich, Kent, publican.—*O. Veale*, Ashwater, Devonshire, miller.—*Wm. Puford*, Long Sutton, Lincolnshire, cordwainer.

#### PETITION ANNULLLED.

*Samuel Clarke*, Exeter and Torquay, Devonshire, toyman.

#### SCOTCH SEQUESTRATION.

*Wm. Henry*, Dundee, shoemaker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Richard Cross*, New Romney, Kent, miller, Aug. 24 at 11, County Court of Kent, at Romney.—*Wm. Y. Knight*, Sheffield, Yorkshire, merchant's clerk, Sept. 7 at 12, County Court of Yorkshire, at Sheffield.—*Nelson Crutenden*, Battle, Sussex, butcher, Sept. 5 at 11, County Court of Sussex, at Hastings.—*W. Visconti*, Hastings, Sussex, butcher, Sept. 5 at 11, County Court of Sussex, at Hastings.

*Saturday, Aug. 13.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Elton*, Hoxton-square, Middlesex, out of business, No. 63,732 T.; *John Ewers*, assignee.—*John Schofield*, Cliff, Woldale, near Holmfirth, Yorkshire, woollen manufacturer, No. 76,790 C.; *Benjamin Wood*, assignee.—*Richard S. Fox*, Wheelton, near Chorley, Lancashire, attorney-at-law, No. 47,734 C.; *Samuel Sturgis*, now assignee, J. Turner, late assignee, deceased.

*Saturday, Aug. 13.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Benjamin Thompson*, Queen's-road, Chelsea, Middlesex, bill-discounter: in the Debtors Prison for London and Middlesex.—*Martin W. O'Byrne*, Brunswick-street, Blackfriars-road, Surrey, agricultural machinist: in the Debtors Prison for London and Middlesex.—*Wm. Dunbar*, Lacey-terrace, Penton-place, Walworth, Surrey, coal dealer: in the Debtors Prison for London and Middlesex.—*J. Ashcroft*, Wandsworth-road, Surrey, plumber and painter: in the Gaol of Surrey.—*John Simons*, London-road, Southwark, Surrey, dealer in cigars: in the Debtors Prison for London and Middlesex.—*George Parker*, Cambridge-street, Pimlico, Middlesex, out of business: in the Queen's Prison.—*Henry Howse*, Strand-on-the-Green, Chiswick, Middlesex, accountant: in the Debtors Prison for London and Middlesex.—*Wm. Ray*, Church-row, Commercial-road East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joseph B. Sharp*, Gibson-square, Ilkington, Middlesex, waterproofer of cloths: in the Queen's Prison.—*Alexander Fronsde*, South-street, Pentonville, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Maggs*, Reading, Berkshire, auctioneer: in the Debtors Prison for London and

Middlesex.—*Thomas T. Taylor*, Hunter-st., Brunswick-sq., Middlesex, commission agent: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Philip Oliver*, Pall-mall, Middlesex, mining adventurer: in the Queen's Prison.

*(On their own Petitions).*

*J. Bills*, Dover, Kent, watchmaker: in the Gaol of Dover.—*Ephraim Dickinson*, Musley-hill, Hertfordshire, carpenter: in the Gaol of Hertford.—*Jonah Andrew*, Woodhouses, Ashton-under-Lyne, Lancashire, commission agent: in the Gaol of Lancaster.—*Nathaniel Bayshaw*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Abraham Bayley*, Manchester, out of business: in the Gaol of Lancaster.—*John Butcher*, Preston, Lancashire, provision dealer: in the Gaol of Lancaster.—*John Barker*, Liverpool, shopman: in the Gaol of Lancaster.—*John F. Colles*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Holehouse*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Charles G. Long*, Liverpool, commission agent: in the Gaol of Lancaster.—*John Wade*, Mount Bellow-bridge, Galway, corn dealer: in the Gaol of Lancaster.—*Eliza Marie M. A. Asphlett*, spinstar, William-street, Lowndes-square, Middlesex: in the Gaol of Lower.—*John Wolstencraft*, Middleton Mill, near Manchester, grocer: in the Gaol of Lancaster.—*James Lee the younger*, Worcester, butcher: in the Gaol of Worcester.—*Richard Franks*, Stonehouse, Stoke Damerel, Devonshire, mason: in the Gaol of St. Thomas the Apostle.—*John Ash*, Plymouth, Devonshire, stoker: in the Gaol of St. Thomas the Apostle.—*Arthur Michellhouse*, Sheffield, Yorkshire, commission agent: in the Gaol of York.—*John Abbott*, Blackburn, Lancashire, cotton manufacturer: in the Gaol of Lancaster.—*George Goord*, Brighton, Sussex, out of business: in the Gaol of Lower.—*John Phillips*, Cherterton, Cambridgeshire, out of business: in the Gaol of Cambridge.—*George R. Featherstone*, Chatham, out of business: in the Gaol of Maidstone.—*Robert Wm. Hoppett*, Park-st., Cambridgeshire, cabinet maker: in the Gaol of Cambridge.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 31 at 10.*

*Henry Morgan*, Lane-end, near Coleford, miner.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Jonathan Hodgson*, Beeston, near Leeds, shopkeeper, at Shackleton's, attorney, Leeds: 7½d. in the pound.

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LONDON, AUGUST 27, 1853.

MR. BELLENDEN KER, in his pamphlet on the Reform of the Law of Real Property\*, has the following passage:—

"Another, and to my mind most important, subject for consideration in any scheme for improvement is the effect of the jurisdiction of Courts of equity on the law of property. A very cursory review will shew that this, in many cases, has been injurious to the well working of a system of law relating to property founded on the common law and the statutes. From time to time doctrines have been admitted which have tended to render the system more complex—to give rise to doubts which lead to endless suits. I take, for example, the relief afforded by equity as regards contracts not made in conformity with the Statute of Frauds, which provides that all contracts relating to land shall be in writing—thus, in fact, in certain cases, setting that statutory law at naught. And it is curious to observe the evils which have arisen, as regards the

\* On the Reform of the Law of Real Property, in a Letter to the Right Hon. Lord Lyndhurst, &c. By H. Belenden Ker, Esq.

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Middlesex and Yorkshire registries, as to the admission of the very vague doctrine of notice, which prevents a purchaser from availing himself of the protection of the registry, on the assumption that, having notice of a charge, he was bound by it, though it was not on the registry. This at first sight appears just, viz. that a purchaser should not be protected by the registry—that is, if he had notice that the man from whom he purchased had sold or settled the land, although this sale or settlement is not shewn on the registry, it would seem fair that he should not be allowed to purchase that which he knew was sold or mortgaged before. But when difficulties arise in considering what shall be or shall not be notice, what is constructive notice, what was sufficient to set a party on such an inquiry as would have led to notice, what notice to an agent would bind the principal, &c., the result is, that little reliance is put in the registry. It would be endless to discuss this point—its evils have been well illustrated in the second Report of the Real Property Commissioners, and also in that of the Commissioners on Registration. The evil as to the allowing the doctrine of notice to affect a purchaser was so completely felt by the framer of the act for the registry of ships, that it is expressly provided that a purchaser shall not be affected by anything not on the registry. The result is, that a simple and complete mode of transfer is established, the form pointed out by the law is adhered to, no question arises, and, as regards the disposition of this species of property, no difficulties occur.

"Again: there was another point on which the interference of a Court of equity led to doubt and difficulty. A person having a power of distribution of a fund amongst children or others, in such shares as he should think fit, was held to be bound to exercise this

power with discretion—that is, he might not give 6*l.* to one child, and 10,000*l.* to another. This was called an illusory exercise of the power; although in some special cases he might make an unequal distribution, if circumstances warranted it, as one child being amply provided for aliunde; &c. But then a Court of equity said each case must stand on its own merits. The result was, that persons advising were involved in endless doubts—suits arose by children to have illusory appointments set aside. At last the evil was so intolerable, that a law was introduced by Lord St. Leonards to do away with the interference of the Courts of equity, and to allow the power being exercised according to the terms of its constitution.

“Again: under the old law, a man could not dispose of copyholds by his will, unless he had first made a surrender to such uses as he should by will appoint. This was frequently omitted to be done, and hence the wishes of the testator were often disappointed. Here again equity interfered, and, in some respects, in a capricious manner. It would, in certain cases, compel the heir, who took the copyhold by reason of there having been no surrender, to surrender the property as the testator had intended it should go. It compelled this, in most cases, in favour of a wife, children, or creditors. In other cases, if the heir took under the will some provision, and he refused to let the copyholds go according to the disposition of the will, although it had not been duly surrendered, the Court said the heir should not blow hot and cold, and made him give up the copyholds, to go as by the will was intended. And hence arose all kinds of subtleties and difficulties about supplying, surrendering to the uses of a will, and the doctrine of election. A book was written on the latter subject alone; and even Lord Eldon found the subject one of great difficulty to deal with.

“I do not attempt to go into details on the exact state of this very complex branch of equity. At last, as in the former case, it was found so inconvenient, that a law was passed taking away the necessity of having the surrender to the use of the will; and thus a large class of doubtful and difficult cases were subtracted from the consideration of equity, and a more simple state of the law introduced; the testator's intention not, as before this change, frustrated, or, if carried out, only done so by a circuitous and expensive suit. Again: the evil of the possible interference of equity was foreseen by the framers of the Fines and Recoveries Act; and there the interference of equity as to any control over the protector of the settlement is expressly negatived. I might, without end, multiply instances where the interference of equity has tended to render the law of property more complex and doubtful, and where, in fact, in many cases, the result has been anything but beneficial. I think it is enough that I shew evils have heretofore been discovered, which it has been considered advisable to remedy, to entitle me to suggest, that further search and inquiry should be made to see whether any similar evils or inconveniences yet exist to which it would be expedient to apply similar remedies.

“I am not alone in my notions as to the great laxity of the Court of equity in allowing exceptions from the Statute of Frauds in the construction of contracts. This was expressly adverted to by the Real Property Commissioners as an evil; and yet little or nothing has been done as regards doctrines of a Court of equity, as applicable to this branch of the law. With respect to the effect of the decisions of Courts of equity on the law of property, no one but the conveyancer can judge of the great increase of the evil which has arisen from the increase of the number of the courts of equity. This was foreseen by Sir Samuel Romilly. There are now three Vice-Chancellors, a

Master of the Rolls, the Courts of the Lords Justices and the Lord Chancellor, and the House of Lords; and the reports recording the judgments of all these courts are daily pouring in on the practitioner, who is to steer his client, when purchasing an estate, absolutely clear of every one of these decisions. And then come the appeals, the reversals—the fear of a future appeal, and the reversal of some doctrine on which the adviser of a purchaser may be inclined to rely; and hence the caution, the doubts, the difficulties, the refusal to perform a contract for purchase without the express sanction of a Court of equity. But even with all this caution the adviser feels he is never absolutely safe. There is a fashion in construction and in the administration of principles of equity relating to property, as well as in other things, and what is law to-day is not law to-morrow. I might cite various instances of this.”

Now, these strictures on the interference of Courts of equity are to some extent well grounded, but to a great extent they are without foundation. It is quite true that some of the equitable doctrines on which the Court of Chancery proceeds, in controlling the operation of rules of law in relation to real property, are carried to an extent which works confusion, and sometimes injustice; and of this class, no doubt, is its doctrine of constructive notice, as applied to registered titles. No one, not even Mr. Bellenden Ker, will deny that it is but just that a purchaser, with clear, positive, direct notice of an incumbrance, should not be permitted to use the register, not as a means of protection to himself against the consequences of a fraud, but as the means of defrauding another innocent person. So far the interference of equity is right and beneficial; but when it goes on to make a man liable to lose the benefit of his purchase, by declaring that because he has read one deed he shall be taken to know the contents of another; or that because his solicitor knew or might know something, therefore he constructively knows the same thing; it is then true that it lets in elements of confusion and doubt, and works frequent injustice.

But, on the other hand, the interference of equity against the effect of the Statute of Frauds, in cases of part performance, does not in the slightest degree deserve the censure cast upon it. The common sense of the statute was to insure proof of the real intention of the parties to a contract, and to avoid the uncertainty and confusion arising from the difficulty of parol evidence. But surely there can be no doubt or difficulty about intention when a party has actually done a substantive part of the thing; which it is alleged he agreed to do? When, for instance, a purchaser has paid the purchase money, or taken possession, and pulled down or erected buildings, what sense or justice would there be in allowing him to say that he never intended to contract, when he has done the very thing contracted to be done?

Again: with regard to the instance selected, of interference in regard to wills of copyholds, the censure should have been cast, not upon the Court of Chancery, but upon the neglect to improve by statute the shortcomings of the common law. It was monstrous that the application of a doctrine of tenure of the most intensely fusty antiquity should prevent the just intentions of a testator taking effect, and hence the equitable doctrines of supplying a surrender, and election, became absolutely necessary. That difficulties and subtleties arose in their application may be quite true. Whenever any positive rule requires to be controlled by exceptions, of necessity there arises some degree of difficulty in determining the nature and extent of the qualification. But the sin of these difficulties and subtleties lies at the door, not of the Court of Chancery, but of the common law, which maintained a positive rule so inapplicable to the wants of mankind.

We entirely agree with Mr. Ker, that there have been great evils in the state of the law in many cases in which the Courts of equity have interfered to control the effect of the common law; but he seems to us also entirely to mistake the cause of, and the remedy for, those evils. Their cause has been the neglect of the Legislature to remove old rules of law, become by the changes wrought by modern civilisation quite unendurable; and the remedy will be, not in simply forbidding the interference of equity, but in carrying out the doctrines of equity, and giving to them positive authority by legislative enactment.

The lament of the learned conveyancer about the mischief arising from the increase of the courts of equity, and the increase of labour to the counsel, is simply the expression of personal fatigue and weariness of an overworked man. That a conveyancer of Mr. Ker's eminence should so feel is perfectly natural; at the same time, he will find it difficult to persuade the public to return to the old state of the Court of Chancery, in order that a few overworked conveyancers may have rest.

## PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 297).

### CAP. XXXIII.

An Act for the better Regulation of Metropolitan Stage and Hackney Carriages, and for prohibiting the Use of advertising Vehicles. [28th June, 1853.]

- Sect. 1. Persons desirous of obtaining a License to keep a Hackney Carriage, &c., to make Application to Commissioners of Police, who, if Carriage is found fit, shall grant a Certificate. No License to be granted by Board of Inland Revenue without such Certificate.*
- 2. Commissioners of Police may cause Carriages, &c. to be inspected, and if not in fit Condition may suspend Licenses, and recall Stamp-office Plate. Notice to be given to Inland Revenue.*
- 3. Penalty for using Carriage not in fit Condition.*
- 4. As to Rates and Fares to be taken for Hackney Carriages. No Back Fare to be taken or demanded.*
- 5. Table of Fares to be put up distinctly inside and outside of Hackney Carriages. Driver to produce Book of Fares when required.*
- 6. As to Settlement of Disputes as to Distances.*
- 7. As to Distance Drivers of Hackney Carriages shall be required to drive.*
- 8. Driver to deliver a Ticket to Hirer of Carriage.*
- 9. Number of Persons to be carried to be painted or marked on Hackney Carriage.*
- 10. As to Quantity of Luggage to be carried without extra Charge.*
- 11. Property left in Hackney Carriages to be deposited at the Police-office. Penalty on Driver for Default. Property not claimed to be disposed of. Penalty on refusing or neglecting to give up Property left in Stage Carriages.*
- 12. Commissioners of Police to appoint Persons to enforce good Order at Hackney Carriage Stands, &c.*
- 13. Power to Commissioners, with Consent of Treasury, to pay Wages to such Persons, and also to direct Water-rates to be paid.*
- 14. Lamps to be placed inside Metropolitan Stage Carriages.*
- 15. Printed Bills, &c. not to be put on Metropolitan Stage or Hackney Carriages, so as to obstruct Light, &c.*
- 16. Advertising Vehicles, &c. prohibited.*
- 17. Drivers and Conductors of Metropolitan Stage Carriages, and Drivers of Hackney Carriages, liable to Penalties for Offences herein named.*

- 18. Power to Police Magistrates or Justices of the Peace to hear and determine Offences. In case of Disputes the Hirer may require the Driver to drive to a Police Court, &c., or to a Police Station.*
- 19. Penalty for Offences against this Act for which no Penalty is appointed.*
- 20. Meaning of certain Words used in this Act.*
- 21. This Act to be construed with the 6 & 7 Vict. c. 86, and 13 & 14 Vict. c. 7.*
- 22. Commencement of Act.*

Whereas it is desirable to improve the condition of the metropolitan stage and hackney carriages, and to alter and amend the system of licensing such carriages: be it therefore enacted &c. that—

Sect. 1. From and after the 1st October next every person desirous of obtaining a license to keep, use, and let to hire any metropolitan stage or hackney carriage, within the limits of this act, must apply in writing to the commissioners of police of the metropolis, in order that they may cause an inspection to be made of every carriage to be kept, used, or let to hire by virtue of such license, and upon such application the said commissioners shall cause an inspection to be made of every such carriage; and if such carriage or carriages shall be found by the said commissioners to be in a fit and proper condition for public use, they shall grant a certificate to that effect, and shall specify in such certificate the number of persons to be carried in and by such carriage, in the form given in Schedule (B.) to this act annexed, and upon production of such certificate at the office of the Board of Inland Revenue, a license shall be granted; but it shall not be lawful for the said Board of Inland Revenue to grant or issue any license for any metropolitan stage or hackney carriage, within the limits of this act, unless the person applying for the same shall produce such certificate as aforesaid.

2. It shall be lawful for the said commissioners of police to cause an inspection to be made, as often as they deem it necessary, of all metropolitan stage and hackney carriages, and of the horse or horses used in drawing the same, within the limits of this act; and if any such carriage, or the horse or horses used in drawing the same, shall at any time be in a condition unfit for public use, the said commissioners shall give notice in writing accordingly to the proprietor thereof, which notice shall be personally served on such proprietor, or delivered at his usual place of residence; and if, after notice as aforesaid, any proprietor shall use or let to hire such carriage as a metropolitan stage or hackney carriage, or use or let to hire such horse or horses whilst in a condition unfit for public use, the said commissioners shall have power to suspend, for such time as they may deem proper, the license of the proprietor of such carriage, and to recall and take away the Stamp-office plate belonging to the same, and to retain the same during the suspension of such license; and a notice shall be given to the Board of Inland Revenue, according to the form in the Schedule (C.) to this act annexed, in every case by the said commissioners of the suspension of any such license, and of the time for which it is suspended.

3. Every proprietor or driver of a metropolitan stage or hackney carriage who shall use or let to hire, within the limits of this act, any carriage as a metropolitan stage or hackney carriage which has not been certified by the said commissioners of police to be in a fit and proper condition for public use, or who shall use or let to hire, within the limits of this act, any carriage as a metropolitan stage or hackney carriage for which such a certificate had been granted, after notice given to him as hereinbefore required by the said commissioners that such carriage was no longer in a fit and proper condition for public use, shall be liable to a penalty, not exceeding 3*l.*, for each day that he shall so use or let to hire such carriage, or in default of payment may be imprisoned for any time not exceeding one month.

4. The proprietor or driver of any hackney carriage within the limits of this act shall be entitled to demand and take for the hire of such carriage the fares set forth in the Schedule (A.) to this act annexed: provided always, that when the proprietor or driver of any hackney carriage to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such carriage for fifteen minutes, or for any longer time, it shall be lawful for the proprietor or driver to demand and receive from the hirer so requiring him to stop

a further sum (above the fare to which he shall be entitled, calculated according to the distance) of 6d. for every fifteen minutes completed that he shall have been so stopped; and no proprietor or driver shall demand or receive over and above the said fare any sum, for or by way of back fare, for the return of such carriage from the place at which such carriage shall be discharged.

5. The proprietor of every hackney carriage within the limits of this act shall put up, and at all times keep distinctly painted or marked, in such a manner and in such a position as shall be directed by the said commissioners of police, both on the inside and outside of such hackney carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such carriage; and the driver of every hackney carriage within the limits of this act shall have with him at all times when plying for hire a book or table, in such form as shall be directed by the said commissioners of police, of the fares for the hire of such carriage, which book or table the driver shall produce when required for the information of any person hiring or intending to hire such carriage.

6. In case of disputes as to the fare, to be calculated according to the distance, any table or book signed by the said commissioners of police shall, on proof of such signature, be deemed and taken to be conclusive evidence of all the distances therein stated to have been measured by the authority of the said commissioners of police; and it shall be lawful for the said commissioners to cause to be placed or erected at the several standings for hackney carriages or elsewhere within the metropolitan district, as they may deem convenient, tables of distances and fares, and such other information as may be useful to persons hiring such carriage.

7. The driver of every hackney carriage which shall ply for hire at any place within the limits of this act shall (unless such driver have a reasonable excuse, to be allowed by the justice before whom the matter shall be brought in question) drive such hackney carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired, or for any time not exceeding one hour from the time when hired: provided always, that when any hackney carriage shall have been hired by time, the driver thereof may be required to drive at any rate not exceeding four miles within one hour, and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A.) to this act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same schedule.

8. Every driver of a hackney carriage within the limits of this act shall, on each occasion when such carriage shall be hired, deliver to the hirer thereof a card, on which shall be printed, in legible letters and figures, the words "hackney carriage," and the number of the Stamp-office plate fixed on such hackney carriage, or such other words or figures as the said commissioners of police may direct.

9. The proprietor of every hackney carriage within the limits of this act shall put up, and at all times keep distinctly painted or marked on such carriage, in such a manner and in such a position as shall be directed by the said commissioners of police, the number of persons to be carried thereby as specified in the certificate granted by the said commissioners for such hackney carriage, and the driver of any such hackney carriage shall, if required by the hirer thereof, carry in and by such carriage the number of persons painted or marked thereon, or any less number of persons.

10. The driver of every hackney carriage within the limits of this act shall carry in or upon such carriage a reasonable quantity of luggage for every person hiring such carriage without any additional charge, except as provided in Schedule (A.) to this act annexed.

11. The driver of every hackney carriage within the limits of this act, wherein any property shall be left by any person, shall within twenty-four hours carry such property, if not sooner claimed by the owner thereof, in the state in which he shall find the same, to the nearest police station, and shall there deposit and leave the same with the inspector or other officer on duty, upon pain that every such driver making any default herein shall be liable to a penalty not more than 10*l.*, or at the discretion of the magistrate may be imprisoned for any time not exceed-

ing one month; and the said officer with whom any such property shall be deposited shall forthwith enter in a book to be kept for that purpose the description of such property, and the name and address of the driver who shall bring the same, and the day on which it shall be brought; and the property so entered shall be returned to the person who shall prove to the satisfaction of the commissioners of police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver who brought the same as the said commissioners shall award: provided always, that if such property shall not be claimed by and proved to belong to some person within one year after the same shall have been deposited, the said commissioners shall cause such property to be sold or otherwise disposed of, and the proceeds thereof to be paid over to the Receiver-General of Inland Revenue, to be carried to the public account, all expenses incurred about such property, together with such reasonable sum to the driver who brought the same as the said commissioners shall award, being first paid thereout; and all property left by any passenger in any metropolitan stage carriage shall be given up to the conductor of such carriage, or, if there be no conductor, to the driver, upon the pain of a penalty of 10*l.*, to be paid by any person refusing or neglecting to give up any such property belonging to another person; and the conductor or driver of every such carriage to whom any such property shall be given up, or who shall himself find it in the carriage, shall within twenty-four hours carry the property, if not sooner claimed by the owner thereof, in the state in which he shall find the same, to the nearest police station, and shall there deposit and leave the same with the inspector or other officer on duty, upon pain that every such driver or conductor making default herein shall be liable to a penalty not more than 10*l.*, or at the discretion of the magistrate may be imprisoned for any time not exceeding one month; and the property so deposited by any conductor or driver shall be dealt with in the same manner as property left in hackney carriages, and deposited by the drivers of such carriages.

12. It shall be lawful for the said commissioners of police from time to time to appoint a sufficient number of fit men to enforce good order at the standings for hackney carriages, and at the places at which metropolitan stage carriages or hackney carriages shall call or ply for passengers, and at such places of public resort within the metropolitan police district as they may deem necessary; and the said commissioners may from time to time make such orders and regulations as they shall deem expedient, subject to the approval of one of her Majesty's principal Secretaries of State given in writing, relative to the duties to be performed by such persons and the places at which each shall act; provided that the said commissioners shall not have authority to appoint any such person to act within or upon the premises belonging to any railway company, unless with the consent of the directors of the company.

13. The said commissioners of police, subject to the approbation of the commissioners of her Majesty's Treasury, shall appoint wages to be paid to the said persons appointed by them to keep good order at the standings for hackney carriages, and at the places at which metropolitan stage carriages or hackney carriages shall call or ply for passengers, and at such places of public resort as they may deem necessary; and the said commissioners shall also, in such cases as they think fit, direct the water-rates and the expenses of the necessary apparatus for laying on the water at the standings for hackney carriages, and at places where metropolitan stage carriages usually call or ply for hire, to be paid.

14. The proprietor of every metropolitan stage carriage shall cause to be placed inside such carriage a lamp, in such a position and manner as shall be directed by the said commissioners of police; and the conductor, or, if there be no conductor, the driver, of such carriage shall keep the said lamp properly lighted whenever such carriage shall be used to ply for hire or carry passengers at any time after sunset and before sunrise.

15. It shall not be lawful for the proprietor of any metropolitan stage or hackney carriage to suffer any notice, advertisement, or printed bill, or any names, letters, or number, to appear upon the outside of any such carriage in such a manner as to obstruct the light or ventilation of such carriage, or on the inside of any such carriage in such position that any such notice, advertisement, or printed bill shall obstruct the light or ventilation of such carriage, or cause annoyance to any passenger therein.

16. It shall not be lawful for any person to carry about on any carriage, or on horseback, or on foot, in any thoroughfare or public place within the limits of this act, to the obstruction or annoyance of the inhabitants or passengers, any picture, placard, notice, or advertisement, whether written, printed, or painted upon or posted or attached to any part of such carriage, or on any board, or otherwise.

17. The driver or conductor of any metropolitan stage carriage, or the driver of any hackney carriage, who shall respectively commit any of the following offences within the limits of this act, shall be liable to a penalty not exceeding 40s. for each offence, or, in default of payment, to imprisonment for any time not exceeding one calendar month.

1. Every driver of a hackney carriage who shall demand or take more than the proper fare as set forth in Schedule (A.) to this act annexed, or who shall refuse to admit and carry in his carriage the number of persons painted or marked on such carriage, or specified in the certificate granted by the said commissioners of police in respect of such carriage, or who shall refuse to carry by his carriage a reasonable quantity of luggage for any person hiring or intending to hire such carriage.

2. Every driver of a hackney carriage who shall refuse to drive such carriage to any place within the limits of this act, not exceeding six miles, to which he shall be required to drive any person hiring or intending to hire such carriage, or who shall refuse to drive any such carriage for any time not exceeding one hour, if so required by any person hiring or intending to hire such carriage, or who shall not drive the same at a reasonable and proper speed, not less than six miles an hour, except in cases of unavoidable delay, or when required by the hirer thereof to drive at any slower pace.

3. Every driver of a hackney carriage who shall ply for hire with any carriage or horse which shall be at the time unfit for public use, or who shall refuse or neglect to deliver to the hirer of his carriage a ticket with the number of the Stamp-office plate on such carriage printed thereon.

18. It shall be lawful for any one of the police magistrates at any of the metropolitan police courts to hear and determine all offences against the provisions of this act, and also all disputes or causes of complaint that may arise out of the same; or if the offence, dispute, or cause of complaint shall be committed or occur in any place not comprised within the limits of a police court district, the same may be heard and determined by two justices of the peace for the county; or if the offence, dispute, or cause of complaint shall be committed or occur within the city of London, the same shall be heard and determined by one justice of the peace for the said city, or by a metropolitan police magistrate sitting at the police court in Bow-street; and in case of any dispute between the hirer and driver of any hackney carriage, the hirer may require the driver forthwith to drive to the nearest metropolitan police court or justice room, where complaint may be made to the magistrate then sitting, who shall hear and determine the same, without requiring any summons to be issued for that purpose; and if such dispute should arise at a time when the police court or justice room shall not be open, the hirer may require the driver to drive to the nearest police station or justice room, where the complaint shall be entered, and notice given to both parties that the matter in dispute shall be heard by the magistrate at his next sitting.

19. For every offence against the provisions of this act for which no special penalty is hereinbefore appointed, the offender shall be liable to a penalty not exceeding 40s., or in default of payment be imprisoned for any time not exceeding one month in any gaol or house of correction within the jurisdiction of the magistrate before whom the conviction shall take place.

20. All things herein authorised to be done by the said commissioners of police of the metropolis shall be done by such one of the said commissioners as one of her Majesty's principal Secretaries of State shall from time to time be pleased to appoint; and the words "the limits of this act" shall include every part of the metropolitan police district and city of London.

21. This act shall be construed as one act with the act passed in the 6 & 7 Vict. [c. 86], and the act passed in the 13 & 14 Vict. [c. 7]; and all the provisions of the said acts, except so far as is herein otherwise provided, shall extend to this act, and to all things done in execution of this act.

22. This act shall commence and take effect from and after the 10th July, 1853, except as herein otherwise specially provided.

#### SCHEDULES REFERRED TO IN THE FOREGOING ACT.

*Rates and Fares to be paid for any Hackney Carriage hired at any Place within the Limits of this Act.*

##### SCHEDULE (A.)

DESCRIPTION OF CARRIAGE.	FARE BY DISTANCE.		FARE BY TIME.
	For any Distance within and not exceeding one Mile.	For any Distance exceeding one Mile.	For any Time within and not exceeding one Hour.
With four or two wheels, drawn by one horse.	6d.	After the rate of 6d. for every mile, and for any part of a mile over and above any number of miles completed.	2s.
			And for every hackney carriage drawn by two horses one-third above the rates and fares hereinbefore mentioned.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to distance.

Provided, that no driver shall be compellable to hire his carriage for a fare, to be paid according to time, at any time after eight o'clock in the evening, and before six o'clock in the morning.

When more than two persons shall be carried inside any hackney carriage, one sum of 6d. is to be paid for the whole hiring in addition to the above fares. Two children under ten years of age to be counted as one adult person.

When more than two persons shall be carried inside any hackney carriage with more luggage than can be carried inside the carriage, a further sum of 2d. for every package carried outside the said carriage is to be paid by the hirer in addition to the above fares.

##### SCHEDULE (B.)

###### Certificate.

I, —, do hereby certify, that on the application of —, now living at —, I have caused the carriage known by the following marks or description [*here state the marks or description by which the carriage may be identified*] to be inspected, which the said — desires to use and let to hire as a [metropolitan stage carriage, or as a hackney carriage]; and I certify that the said carriage is in a fit and proper condition for public use, and that — persons are to be carried thereby [*if the carriage be a metropolitan stage carriage, the number of passengers to be carried inside and outside thereof respectively, is to be specified, exclusive of the driver and conductor.*]

(Signed)

Commissioner of the Police of  
the Metropolis.

##### SCHEDULE (C.)

###### Certificate.

I, —, do hereby certify that I have caused the carriage now used and let to hire as a [*state whether a metropolitan stage or hackney carriage*], and known by the following marks or description, [*here state marks or description by which the carriage may be identified*], to be inspected, and find the said carriage not to be in a fit and proper condition for public use; and I do hereby suspend the license granted to — to keep



and use the said carriage as a [state whether a metropolitan stage or hackney carriage], for the period of — from this date.

(Signed)

Commissioner of the Police of  
the Metropolis.

(To be continued).

### London Gazettes.

FRIDAY, AUGUST 19.

#### BANKRUPTS.

**WILLIAM HENRY DEE**, Cambridge, plumber, glazier, and painter, dealer and chapman, Sept. 5 at 2 and Sept. 27 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Messrs. Cole, 4, Adelphi-terrace, London.—Petition filed July 29.

**ROBERT BALLS**, Sheen Vale, Mortlake, Surrey, builder, dealer and chapman, Aug. 31 at half-past 1, and Sept. 28 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition filed Aug. 19.

**WILLIAM HARGROVE**, Birmingham, brass founder and factor, dealer and chapman, (trading under the style or firm of William Hargrove & Co.), Sept. 3 and 24 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Southall, Birmingham.—Petition dated Aug. 3.

**JOHN BRADBURY**, Mosely-road, Worcestershire, dealer in copper ores, dealer and chapman, Aug. 30 and Sept. 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Petition dated Aug. 11.

**JAMES POLLITT** the younger, Manchester, maker-up and packer, Aug. 30 and Sept. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Thomas, Manchester.—Petition filed Aug. 15.

**JOHN ROBERTSHAW**, Church, Lancashire, ironfounder, Aug. 30 and Sept. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Richardson, Bolton.—Petition filed Aug. 11.

#### MEETINGS.

**Joseph Hewwood**, Heaton Norris, Lancashire, cotton manufacturer, Aug. 30 at 11, District Court of Bankruptcy, Liverpool, pr. d.—**L. Bareggi**, **F. Forzano**, and **B. Bergamaschi**, Greville-street, Hatton-garden, Middlesex, wood carvers, Sept. 7 at 12, Court of Bankruptcy, London, last ex.—**Benjamin Severn**, **Fred. B. King**, and **J. Severn**, Church-lane, White-chapel, Middlesex, grocers, Sept. 8 at 12, and. ac., and Sept. 9 at half-past 1, div. sep. est. of **B. Severn**; Sept. 9 at half-past 1, and. ac., and Sept. 10 at half-past 11, div. joint est.—**John Sanders**, Walton, Northallerton, Yorkshire, money scrivener, Sept. 12 at half-past 11, District Court of Bankruptcy, Leeds, fin. div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Joseph Nash**, Lewisham, Kent, draper, Sept. 10 at half-past 11, Court of Bankruptcy, London.—**Thomas Chivers**, Pavement, Moorfields, London, licensed victualler, Sept. 10 at 12, Court of Bankruptcy, London.—**E. Blakely**, Conduit-street, Regent-street, Westminster, and Norwich, linendraper, Sept. 9 at half-past 12, Court of Bankruptcy, London.—**Kelland Down**, Taunton, Somersetshire, and Torpoint, Devonshire, grocer, Sept. 9 at 12, Court of Bankruptcy, London.—**Edward T. Blakely**, Norwich, shawl manufacturer, Sept. 9 at half-past 12, Court of Bankruptcy, London.—**Wm. Scott**, Percival-street, Clerkenwell, Middlesex, clockmaker, Sept. 13 at 2, Court of Bankruptcy, London.—**Thomas Tupley**, Liverpool, stonemason, Sept. 13 at 11, District Court of Bankruptcy, Liverpool.

#### SCOTCH SEQUESTRATION.

**Donald Cameron**, Perth, agent.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**Abraham Morwitch**, Bristol, dealer in watches, Aug. 24 at

11, County Court of Gloucestershire, at Bristol.—**Samuel Morwitch**, Bristol, dealer in watches, Aug. 24 at 11, County Court of Gloucestershire, at Bristol.—**Simcon Pearce**, Bristol, retailer of beer, Aug. 24 at 11, County Court of Gloucestershire, at Bristol.—**Robert M. Stoneman**, North Tawton, Devonshire, butcher, Sept. 2 at 11, County Court of Devonshire, at Oakhampton.—**Thos. Henshaw**, Biggleswade, Bedfordshire, publican, Sept. 6 at 10, County Court of Bedfordshire, at Biggleswade.—**J. Robinson**, Netherthong, Almondsbury, Yorkshire, cloth manufacturer, Sept. 5 at 11, County Court of Yorkshire, at Holmfirth.—**Thos. Bewley**, Worcester, cabinet-maker, Sept. 20 at 10, County Court of Worcestershire, at Worcester.—**Wm. Watson**, Treforest, Lantwitvadre, Glamorganshire, innkeeper, Sept. 13 at 10, County Court of Glamorganshire, at Cardiff.—**Redford Matthews**, Westerleigh, Gloucestershire, out of business, Aug. 27 at 11, County Court of Gloucestershire, at Chipping Sodbury.—**Joseph Davies**, Hulme, Manchester, gardener, Sept. 5 at 11, County Court of Lancashire, at Manchester.—**Henry J. Newland**, Portsmouth, Hampshire, grocer, Sept. 21 at 11, County Court of Hampshire, at Portsmouth.—**Wm. J. Epworth**, Portsmouth Harbour, Hampshire, convict keeper on board her Majesty's ship Stirling Castle, Sept. 21 at 11, County Court of Hampshire, at Portsmouth.—**George Grainger**, Gosport, Southampton, grocer, Sept. 21 at 11, County Court of Hampshire, at Portsmouth.—**Thos. Dawes**, Longton, Stoke-upon-Trent, Staffordshire, licensed retailer of ale, Aug. 31 at 10, County Court of Staffordshire, at Hanley.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Sussex, at Lewes, Sept. 6.  
**Wm. Kérrage**, Hove, builder.—**George Goord**, Brighton, out of business.—**Eliza Maria M. A. Amphlett**, spinster, William-street, Lowndes-square, Middlesex.—**Wm. Howlett**, Hove, builder.

At the County Court of Worcestershire, at WORCESTER, Sept. 20.

**Charles Wellington**, St. Michael, Bedwardine, hairdresser.

#### INSOLVENT DEBTORS' DIVIDENDS.

**Joseph Farrow**, Framlingham, Suffolk, hatter: 1s. 3d. in the pound.—**Alfred Leets**, Cambridge, farmer: 1s. 4d. in the pound.—**J. Hope**, Shipley Quarry, near Barnard Castle, Durham, master quarryman: 9d. in the pound.—**T. Moss**, Hardibutts, Wigan, Lancashire, common brewer: 8d. in the pound.—**F. W. Steer**, Lower Marsh, Lambeth, Surrey, booter: 5s. 10d. in the pound.—**John Coppins**, Eagle Wharf-road, City-road, Middlesex, smith: 1s. 4d. in the pound.—**Samuel Walley** the elder, Birmingham, farmer: 1s. in the pound.—**Edward Mason**, Wem, Shropshire, shoemaker: 1s. 7d. in the pound.—**John Sadler**, Liverpool, letter-press printer: 1s. 3d. in the pound.—**Joseph Bray**, Hereford, innkeeper: 1s. 2d. in the pound.—**Rev. John Lloyd Williams**, Cardiff, Glamorganshire, clerk in holy orders: 2s. 2d. in the pound.—**Thomas Peckett**, West Lilling, near Sheriff Hutton, Yorkshire, farmer: 1s. 4d. in the pound.—**Thomas Owen Jones**, Hulme, Manchester, grocer: 6s. 6d. in the pound.—**William Hall**, Newcastle-upon-Tyne, furrier: 11d. in the pound.—**Thomas Weston Martin**, Oxford, tailor: 8d. in the pound.—**Thos. Garrod**, Hadleigh, Suffolk, tailor: 4s. in the pound.—**Geo. Downey**, Mount-row, Westminster-road, Lambeth, Surrey, plate-glass factor: 2s. in the pound.—**Charles M'Carthy**, Wapping-wall, St. Paul's, Shadwell, Middlesex, shipping butcher: 1s. 3d. in the pound.—**Jos. Brown Tripp**, Chelsea, Middlesex, coke merchant: 10d. in the pound.—**James Smith**, Greenwich, Kent, shoemaker: 2s. 1d. in the pound.—**John Stenson Major**, Granville-square, Pentonville, Middlesex, professor of music: 1s. 4d. in the pound.—**John Wilkins**, Cropley-st., New North-road, St. Leonard's, Shore-ditch, Middlesex, linendraper: 4s. 6d. in the pound.—**S. Hoinville**, Hollybush-gardens, Bethnal-green, Middlesex, fancy trimming manufacturer: 7s. in the pound.—**W. Henry White**, Providence-place, Upper Kennington-lane, Lambeth, Surrey, oilman: 1s. 7d. in the pound.—**John Savill**, Chigwell, Essex, builder: 1s. 11d. in the pound.—**Edw. Beard**, Chelsea, Middlesex, teller in the Inland Revenue Office: 7s. in the pound.—**James Beaven**, New-cut, Lambeth, Surrey, beer-shop keeper: 1s. 7d. in the pound.—**James Hodgson**, South-place, Kennington-common, Surrey, insurance broker: 7d. in the pound.—**Edw. Ashby**, Fetter-lane, Holborn, Lan-

don, out of business: 10½d. in the pound.—*George Smallwood* the younger, Upper Dorset-street, Dorset-square, St. Marylebone, Middlesex, booth keeper: 1s. 2½d. in the pound.—*Chas. Yeates*, Monmouth, printer: 9½d. in the pound.—*Henry Cox*, Dudley, Worcestershire, clerk in Lord Ward's Estates Office, Dudley: 20s. in the pound.—*Richard Gibbs*, South Littleton, Worcestershire, farmer: 3s. 6d. in the pound.—*Henry Southwell Beecheno*, Liverpool, commercial traveller: 1s. 7d. in the pound.—*Frederick Hervey Bathurst Phillips*, Drake's Island, Plymouth, Devonshire, lieutenant in Her Majesty's Royal Artillery: 7½d. in the pound.

Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.

*Frederick Thane Haswell*, Teignmouth, Devonshire, gentleman, Nichols & Clark's, 9, Cook's-court, Lincoln's-inn-fields: 11s. 2d. in the pound.

## TUESDAY, AUGUST 23.

## BANKRUPTS.

**HENRY PARMAN TAYLOR**, Queen's-road, Dalston, Middlesex, licensed victualler and omnibus proprietor, Sept. 6 at half-past 11, and Sept. 28 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Peddell, 142, Cheapside.—Petition filed Aug. 22.

**THOMAS STEVENSON**, Nottingham, printer and stationer, Sept. 9 and 23 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Parsons, Nottingham.—Petition dated Aug. 19.

**ELIZABETH MORRIS**, Gloucester, grocer and provision dealer, dealer and chapwoman, Sept. 5 and Oct. 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Smallridge, Gloucester.—Petition filed Aug. 19.

## MEETINGS.

*Thomas Kent Clay*, Ironmonger-lane, London, woollen warehouseman, Sept. 2 at half-past 11, Court of Bankruptcy, London, last ex.—*John Johnson*, Great Winchester-st., London, East India merchant, Sept. 12 at 12, Court of Bankruptcy, London, last ex.—*John Marshall*, Shipston-upon-Stour, Worcestershire, corn dealer, Sept. 5 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Isaac Barnett*, Napier-st., Ashley-terrace, City-rd., Middlesex, watchmaker, Sept. 15 at 11, Court of Bankruptcy, London, aud. ac.—*E. Brock*, Sackville-street, Piccadilly, Middlesex, tailor, Sept. 15 at 1, Court of Bankruptcy, London, aud. ac.—*Benjamin Hubble*, Deptford, Kent, victualler, Sept. 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John S. Walton*, Northallerton, Yorkshire, money scrivener, Sept. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Joseph Appleton*, Crown-square, Southwark, Surrey, hop merchant, Sept. 15 at 12, Court of Bankruptcy, London, div.—*John Lockyer*, Clerkenwell-green and St. John's-square, Middlesex, metal tool warehouseman, Sept. 15 at half-past 11, Court of Bankruptcy, London, div.—*Frederick Hatch*, St. John's-square, Clerkenwell, Middlesex, iron-plate worker, Sept. 15 at 12, Court of Bankruptcy, London, div.—*Jas. H. Gibbs*, Wood-street, Cheapside, London, straw-hat warehouseman, Sept. 12 at 1, Court of Bankruptcy, London, div.—*Jas. Spry*, Bath, apothecary, Sept. 22 at 11, District Court of Bankruptcy, Bristol, fin. div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Robert Santerson*, Oxford-street, Middlesex, tailor, Sept. 16 at 12, Court of Bankruptcy, London.—*Benjamin Collett*, Sae-lane, London, and Bridge-house, Hendon, Middlesex, dealer in mining shares, Sept. 16 at 11, Court of Bankruptcy, London.—*Henry M. Morgan*, Reading, Berkshire, shipowner, Sept. 14 at 12, Court of Bankruptcy, London.—*R. Lockyer*, Maidstone, Kent, licensed victualler, Sept. 14 at 2, Court of Bankruptcy, London.

To be granted, unless an Appeal be duly entered.

*William Nicholson*, Shotley-bridge, Durham, timber merchant.—*J. Williams*, Frith-st., Soho, Middlesex, goldsmith.—*George Baker*, Threadneedle-st., London, stock-broker.

## PARTNERSHIP DISSOLVED.

*Wm. Bush Cooper* and *Frederick Gale*, Verulam-buildings, Gray's-inn, attorneys and solicitors.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Richard Richards*, Rhymney, Monmouthshire, timber merchant, Sept. 8 at 12, County Court of Monmouthshire, at Tredegar.—*J. Burgess*, Macclesfield, Cheshire, joiner, Sept. 8 at 11, County Court of Cheshire, at Macclesfield.—*Nathaniel Harris*, Merthyr Tydfil, Glamorganshire, innkeeper, Sept. 8 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Elizabeth Dadd*, Sandling, Boxley, Kent, blacksmith, Sept. 6 at 12, County Court of Kent, at Maidstone.—*Ann Willow*, Lostock Gralam, Cheshire, dairymaid, Aug. 29 at 11, County Court of Cheshire, at Northwich.

Saturday, Aug. 20.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*John Lewes*, Narberth, Pembrokeshire, attorney-at-law, No. 12,492 T.; John Vincent, new assignee; John Lewis, late assignee, deceased.—*Wm. Wilson*, William-street, Park-road, Upper Holloway, Middlesex, commercial traveller, No. 63,820 T.; Alexander Henderson, assignee.—*Edwin Pirih*, Oldham, Lancashire, licensed victualler, No. 74,848 C.; Richard Henry Rhodes, assignee.—*Edmund B. Groves*, Uxbridge, Middlesex, out of business, No. 63,797 T.; James Cowderoy and Robert F. Miller, assignees.

Saturday, Aug. 20.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*John N. Thomson*, Wells-street, Oxford-street, Middlesex, beer-shop keeper: in the Queen's Prison.—*James Woolcott*, Cardington-street, Hampstead-road, Middlesex, contractor: in the Debtors Prison for London and Middlesex.—*Michael John Cameron*, Wimbourn-street, Hoxton, Middlesex, timber dealer: in the Debtors Prison for London and Middlesex.—*James Eglinton*, Crescent-street, Euston-square, Middlesex, out of business: in the Queen's Prison.—*John Clarke*, James-grove, Commercial-road, Peckham, Surrey, spice dealer: in the Queen's Prison.—*John T. Burn*, Park-road, Brixton-hill, Surrey, bricklayer: in the Gaol of Surrey.

(On Creditor's Petition).

*Wm. Simons Hollands*, Princes-road, Bermondsey, Surrey, architect: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*William White*, Bexley-heath, Kent, foreman to a shawl printer: in the Gaol of Maidstone.—*Anthony Bacon*, Swanscombe, Kent, out of business: in the Gaol of Maidstone.—*John Collins*, Liverpool, pickle manufacturer: in the Gaol of Lancaster.—*Wm. Howlett*, Hove, Sussex, builder: in the Gaol of Lewes.—*Thomas Husler*, Birmingham, builder: in the Gaol of Coventry.—*Joseph Hazeltine*, Birmingham, out of business: in the Gaol of Coventry.—*Wm. Horton*, Birmingham, out of business: in the Gaol of Coventry.—*Henry Randel*, Hanbury, Worcestershire, out of business: in the Gaol of Coventry.—*Thomas Howorth*, Northowram, near Halifax, Yorkshire, brewer: in the Gaol of York.—*William Sargent*, Little Abington, Cambridgeshire, labourer: in the Gaol of Cambridge.—*Wm. Turner*, South Wingfield, near Alfreton, Derbyshire, tailor: in the Gaol of Derby.—*Thomas J. Dale*, Bishop Wearmouth, Durham, draper's assistant: in the Gaol of Durham.—*G. Evans*, Birmingham, out of business: in the Gaol of Coventry.—*E. Syass*, Knighton, Radnorshire, mason: in the Gaol of Presteign.—*W. Vaughan*, Knighton, Radnorshire, carpenter: in the Gaol of Presteign.—*D. A. E. James*, Coventry, Warwickshire, retail brewer: in the Gaol of Warwick.—*W. Thomson*, Manchester, out of business: in the Gaol of Lancaster.—*Hugh M. Kendrick*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Jas. Bewick*, Lower Cruttsall, near Manchester, labourer: in the Gaol of Lancaster.—*Wm. Dodd*, Birmingham, licensed victualler: in the Gaol of Warwick.—*Thomas Dawes*, Upper Sydenham, Kent, bulker: in the Gaol of Maidstone.—*Philip Tracey*, West Bergholt, Essex, labourer: in the Gaol of Springfield.—*Robert Ellis*, Birmingham, bricklayer: in the Gaol of Coventry.—*Oswald Edwards*, Bristol, builder: in the Gaol of Bristol.—*Wm. Cleary*, Liverpool, oyster dealer: in the Gaol

of Lancaster.—*Wm. Fairley*, Leigh, Lancashire, out of business: in the Gaol of Lancaster.—*Jas. Higgins*, Blackburn, Lancashire, shoemaker: in the Gaol of Lancaster.—*Thos. Jackson*, Ashton-under-Lyne, Lancashire, carrier: in the Gaol of Lancaster.—*John Hibbert*, Heaton Norris, Lancashire, grocer: in the Gaol of Lancaster.—*Samuel Bailey*, Heaton Norris, Lancashire, bookseller: in the Gaol of Lancaster.—*Edw. Trayner*, Manchester, tailor: in the Gaol of Lancaster.—*John Kershaw*, Filton Hill, near Oldham, Lancashire, farmer: in the Gaol of Lancaster.—*Wm. Watson*, Manchester, joiner: in the Gaol of Lancaster.

(On Creditor's Petition).

*Wm. Long Hicks*, Creetingham, Suffolk, farmer: in the Gaol of Ipswich.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Kent, at MAIDSTONE, Sept. 6 at 12.

*Wm. White*, Bexley-heath, silk printer.—*George Robins Featherstone*, Chatham, out of business.—*Anthony Bacon*, Swanscombe, out of employment.—*Thomas Dungey Munn*, Maidstone, clock manufacturer.—*Thos. Daws*, Upper Sydenham, carpenter.

At the County Court of Cambridgeshire, at CAMBRIDGE, Sept. 8 at 10.

*John Phillips*, Chesterton, out of business.—*Robert Wm. Hoppett*, Cambridge, cabinet maker.

At the County Court of Essex, at CHELMSFORD, Sept. 8 at 12.

*Philip Tracey*, West Bergholt, labourer.

At the County Court of Worcestershire, at WORCESTER, Sept. 20 at 10.

*Charles Wellington*, Bedwardine, hairdresser.

INSOLVENT DEBTOR'S DIVIDEND.

*Stephen Rayson*, Carlisle, provision dealer, Mounsey & M'Alpine's, Carlisle: 10s. in the pound.

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Dated July 16, 1853. *CHARLES JOHN GILL*, Secretary.

**SOLICITORS' AND GENERAL LIFE ASSURANCE SOCIETY**, 52, Chancery-lane, London.

Notice is hereby given, that INTEREST to the 1st inst., at the rate of 4*l*. per cent. per annum, on the paid-up Capital of this Society, is payable at the Office, 52, Chancery-lane, between the hours of 11 and 3 o'clock.

Dated Aug. 10, 1853. *CHARLES JOHN GILL*, Secretary.

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#### DIVISION OF PROFITS.

At the Annual General Meeting of this Society, held on the 31st day of May, 1853, a Bonus, of which the following are examples, was declared:—

#### AGE WHEN ASSURED, 25.

No. of Yearly Premiums paid.	Original Sum Assured.	Amount of Premiums paid.	Reversionary Bonus.	Sum now Assured.	Per centage of Reversionary Bonus on the amount of Premiums paid.
	£	£ s. d.	£ s. d.	£ s. d.	
7	1000	153 8 4	85 15 1	1085 15 1	55-895
5	1000	109 11 8	63 2 7	1063 2 7	57-604
3	1000	65 15 0	39 0 1	1039 0 1	59-320
1	1000	21 18 4	13 7 8	1013 7 8	61-063

#### AGE WHEN ASSURED, 50.

No. of Yearly Premiums paid.	Original Sum Assured.	Amount of Premiums paid.	Reversionary Bonus.	Sum now Assured.	Per centage of Reversionary Bonus on the amount of Premiums paid.
	£	£ s. d.	£ s. d.	£ s. d.	
7	1000	494 7 6	157 4 5	1157 4 5	31-862
5	1000	353 2 6	115 10 6	1115 10 6	32-714
3	1000	211 17 6	71 7 10	1071 7 10	33-694
1	1000	70 12 6	24 10 8	1024 10 8	34-739

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# The Jurist

No. 869—VOL. XVII. SEPTEMBER 3, 1853.

PRICE 1s.

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LONDON, SEPTEMBER 3, 1853.

THE act of the 15 & 16 Vict. c. 83, for amending the law of patents, makes some very useful alterations in the practice in granting letters-patent. But there are still defects which it has neglected to cure, and under it some difficulties have arisen, which did not exist under the old practice. Of the latter class is that introduced by the effect of the 3rd and 15th sections, the latter of which enacts that the Attorney or Solicitor General may, after hearing any opposition to the grant of a patent, "cause a warrant to be made for the sealing of letters-patent for the said invention, and such warrant shall be sealed with the seal of the Commissioners, and shall set forth the tenor and effect of the letters-patent thereby authorised to be granted, and such law officer shall direct the insertion in such letters-patent of all such restrictions, conditions, and provisos as he may deem usual and expedient in such grants, or necessary in pursuance of the provisions of this act; and the said warrant shall be the warrant for the making and sealing of letters-patent under this act according to the tenor of the said warrant: provided always, that the

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Lord Chancellor shall and may have and exercise such powers, authority, and discretion in respect to the said warrant, and the letters-patent therein directed to be made under this act, as he now has and might now exercise with respect to the warrant for the issue under the Great Seal of letters-patent for any invention, and with respect to the making and issuing of such letters-patent; and the writ of scire facias shall lie for the repeal of any letters-patent issued under this act, in the like cases as the same would lie for the repeal of letters-patent which may now be issued under the Great Seal."

Now, when an inventor has, under the 8th section, deposited a provisional specification, he obtains provisional protection for six months only, and he is afterwards obliged to put in a complete specification within the time fixed by the patent, under the 15th section. The 15th section, keeping alive the power of the Lord Chancellor to grant or withhold a patent, notwithstanding the warrant of the law officer, it follows that in practice the grant of a patent may be opposed before the Lord Chancellor, or, as it is termed, at the Great Seal, after the warrant has issued fixing the time within which the specification must be inrolled, and consequently the ultimate grant of the patent may be delayed till that period has nearly or even wholly elapsed; and then comes the question, whether there is anywhere any power to enlarge the time. It is true, a case has occurred in which, in such a state of things, the Lord Chancellor did order the time for inrolling the specification to be enlarged beyond the period named in the warrant. But the case was not argued, and can hardly be considered as of authority. The reasons against the existence of any such jurisdiction are these:—The 15th

section reserves to the Lord Chancellor, with respect to the law officer's warrant, the power which he had formerly, with respect to the warrant for the issue under the Great Seal of letters-patent. Now, under the old practice, the power which he had in respect of such warrant was to grant or withhold it—he might withhold it, notwithstanding the Queen's warrant, and bill, for the patent to pass, had been issued. But both those documents contained the terms (among others, as to the time for filing a specification) on which the Crown would permit the grant; and there is nothing to shew that the Lord Chancellor had any power to alter those conditions; and certainly there is no reported case in which the Lord Chancellor ever did at the Great Seal do more than refuse simply to let the patent pass. The principle on which he exercised this jurisdiction was, the preventing the Crown from being drawn into making an improper grant. But that principle does not at all bear upon the question of altering the conditions on which the Crown has thought fit to make a proper grant.

Under the old practice, however, no substantial difficulty could occur, because the time fixed for filing the specification was always from the date of the patent. But now that it is, under the rules issued by the Commissioners, from the date of the deposit of the petition, it may, as we have observed, be wholly consumed before the patent is issued; and it is open to very grave doubt whether, if even it could be referred back to the law officer to reconsider his warrant, he could introduce into it any conditions not warranted by the rules laid down by the Commissioners.

Among the defects of omission of the new act, is the omission to give power to the law officer, on opposition, to examine the parties and witnesses *viva voce*. The law officer is called upon, not unfrequently, to decide between conflicting claims to a patent, upon evidence so unsatisfactory, being exclusively by affidavit, that it is scarcely possible for him to satisfy his mind with whom the truth lies; and he must then either withhold or grant a patent, at the risk of irremediable injury to one of the parties, or leave them to a subsequent contest at law. These defects might and ought to be remedied.

**COURT OF CHANCERY.**—The Lord Chancellor will not appoint any commissioners to administer oaths under the act 16 & 17 Vict. c. 78, until after the commencement of next term, when regulations for the same will be made.

**COUNTY COURT COMMISSION.**—Sir John Romilly, M.R.; Mr. Justice Erle; Mr. Justice Crompton; the Hon. H. Fitzroy; H. S. Keating, Esq., Q.C.; J. H. Kee, Esq., Q.C.; Mr. Serjt. Dowling; J. P. Taylor, Esq.; and J. R. Mullings, Esq., have been appointed her Majesty's Commissioners for inquiring into the state and practice of County Courts.

**BANKRUPTCY COMMISSION.**—The Right Hon. Spencer Horatio Walpole; Sir George Rose; C. T. Swanston, Esq., Q.C.; M. D. Hill, Esq., Q.C.; J. Bacon, Esq., Q.C.; E. Holroyd, Esq., Commissioner of Bankrupts; E. Cooke, Esq., Barrister-at-Law; and G. C. Glyn, Esq., have been appointed her Majesty's Commissioners for inquiring into the Law of Bankruptcy.

The following gentlemen constitute the Commission for inquiring into the Birmingham Borough Prison:—W. N. Welsby, Esq., Barrister-at-Law; W. J. Williams, Esq., Inspector of Prisons; and W. Baly, M.D., Medical Superintendent of Millbank Prison.

## PUBLIC GENERAL STATUTES.

16 &amp; 17 VICTORIA.—SESSION 1.

(Continued from p. 306).

## CAP. XXXIV.

An Act for granting to her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices.  
[28th June, 1853.]

## CAP. XXXV.

An Act to make Provision concerning the future Regulation of certain Appointments connected with Cathedral and Collegiate Churches, and concerning certain of the Estates of the Deans and Chapters of York and Carlisle.  
[8th July, 1853.]

## CAP. XXXVI.

An Act for disafforesting the Forest of Whichwood.  
[8th July, 1853.]

## CAP. XXXVII.

An Act to impose additional Duties on Spirits in Scotland and Ireland; and to alter the countervailing Duties on Spirits the Manufacture of Guernsey, Jersey, Alderney, or Sark, imported into Scotland or Ireland, and the countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Scotland, Ireland, and England respectively; and to amend the Laws relating to the collecting and securing the Duties of Excise upon Spirits.  
[8th July, 1853.]

## CAP. XXXVIII.

An Act to extend the Remedies for the Compensation of malicious Injuries to Property in Ireland.  
[8th July, 1853.]

## CAP. XXXIX.

An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap.  
[8th July, 1853.]

## CAP. XL.

An Act for altering the Mode of Repayment of Advances by the Public Works Loan Commissioners under the Public Health Act, 1848, and other Acts.  
[8th July, 1853.]

## CAP. XLI.

An Act for making further Provisions with respect to Common Lodging-houses.  
[4th August, 1853.]

## CAP. XLII.

An Act for disafforesting the Forest of Whittlewood, otherwise Whittlebury.  
[4th August, 1853.]

## CAP. XLIII.

An Act for enabling the Justices of Counties to contract in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Gaols of adjoining Counties.  
[4th August, 1853.]

## CAP. XLIV.

An Act to enlarge and extend the Powers of an Act of the fifteenth and sixteenth Years of her present Majesty, for enabling the Commissioners of her Majesty's Works and Public Buildings to complete Improvements in Pinacles, and in the Neighbourhood of Buckingham Palace.  
[4th August, 1853.]

## CAP. XLV.

An Act to consolidate and amend the Laws and to grant additional Facilities in relation to the Purchase of Government Annuities through the Medium of Savings Banks, and to make other Provisions in respect thereof.  
[4th August, 1853.]

## CAP. XLVI.

An Act to transfer Westminster-bridge and the Estates of "The Commissioners of Westminster-bridge" to the Commissioners of her Majesty's Works and Public Buildings; and to enable such last-mentioned Commissioners to remove the present Bridge, and to build a new Bridge on or near the Site thereof. [4th August, 1853.]

## CAP. XLVII.

An Act to provide for the Purchase and Extinguishment of all Rights of Common and Lammas, and other Commonable Rights, over the Site of Battersea Park, in the County of Surrey. [4th August, 1853.]

## CAP. XLVIII.

An Act for the Punishment of Offences in the Colonies in relation to the Coin. [4th August, 1853.]

## CAP. XLIX.

An Act to extend the Provisions of an Act of the fifteenth and sixteenth Years of her present Majesty, intituled "An Act to enable Colonial and other Bishops to perform certain Episcopal Functions, under Commission from Bishops of England and Ireland." [4th August, 1853.]

## CAP. L.

An Act to effect Exchange of Patronage by Archbishops, Bishops, and other Ecclesiastical Corporations. [4th August, 1853.]

## CAP. LI.

An Act for granting to her Majesty Duties on Succession to Property, and for altering certain Provisions of the Acts charging Duties on Legacies and Shares of Personal Estates. [4th August, 1853.]

- Sect. 1. *Interpretation of certain Terms in this Act.*
2. *What Dispositions and Devolutions of Property shall confer Successions. Definition of the Terms "Successor," "Predecessor."*
3. *Joint Tenants taking by Survivorship to be deemed Successors.*
4. *General Powers of Appointment to confer Successions.*
5. *Extinction of determinable Charges to confer Successions.*
6. *Persons now beneficially entitled to Real Property subject to Leases for Life not liable to Duty.*
7. *Dispositions accompanied by the Reservation of a Benefit to the Grantor, &c. to confer Successions.*
8. *Dispositions to take Effect at Periods depending on Death, or made for evading Duty, to confer Successions.*
9. *Duties to be under the Care and Management of the Commissioners of Inland Revenue.*
10. *Duties on Successions.*
11. *Provision as to married Persons chargeable with Succession or Legacy Duties.*
12. *What Duties payable when the Successor is also the Predecessor.*
13. *Provision as to joint Predecessors.*
14. *Duty on transmitted Successions.*
15. *Duties payable in respect of transferred Interests.*
16. *Succession subject to Trusts for Charitable or Public Purposes chargeable with Duty.*
17. *Provision for Life Policies and certain Post Obit Bonds.*
18. *Exemptions.*
19. *Leasehold Estates not to be charged with Legacy Duty as Personal Estate.*
20. *Duties to be paid on the Successor becoming entitled in Possession, but in the Case of outstanding Interests, on the Determination thereof.*
21. *The Interest of a Successor in Real Property to be considered as an Annuity.*
22. *Rules for valuing Lands, Houses, &c.*
23. *Rule as to Timber.*
24. *Rule as to Advowsons.*
25. *Rule as to Property subject to beneficial Leases.*
26. *Rule as to Manors, Mines, &c.*

27. *Duty payable by Corporations, &c. taking Real Estates.*
28. *Allowance for Fines, &c. paid by Successor.*
29. *Real Property directed to be sold to be charged as Personality.*
30. *Personal Property to be invested in Real Property, how to be charged.*
31. *Annuities under this Act and the Legacy Duty Acts to be valued according to the Tables annexed to this Act.*
32. *Provisions as to the Assessment of Personality.*
33. *Allowance to Donee of general Power of Appointment.*
34. *What Allowance to be made for Incumbrances.*
35. *No Allowance to be made in respect of contingent Incumbrances unless they take Effect.*
36. *The Duty on Successions to be calculated without regard to Contingencies.*
37. *Provision for Allowance or Return of Duty.*
38. *Allowance to be made to Successor in respect of relinquished Property.*
39. *Power for Commissioners to compound Duties.*
40. *Power of Commissioners to receive Duty in Advance.*
41. *Power for Commissioners to commute future Duties.*
42. *Duty to be a first Charge on Property.*
43. *Provision for the separate Assessments of Properties.*
44. *What Persons accountable for Duty.*
45. *Notice of Succession to be given to the Commissioners, and a Return of the Property made.*
46. *Penalty on not giving Notices of Succession.*
47. *Proceeding if Return not made.*
48. *Power to enforce Returns from Executors and Administrators.*
49. *Accounting Party to verify his Account by Production of Books and Documents, and Commissioners may, without Fee, inspect and take Copies of public Books.*
50. *Power for accountable Party to appeal.*
51. *Duty to be entered by the Commissioners in a Book, and a stamped Receipt to be given.*
52. *Protection to bona fide Purchasers.*
53. *Court, in Suits for the Administration of Property, to provide for Payment of Duty.*
54. *Commencement of Act.*
55. *Short Title.*

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies for defraying your Majesty's public expenses, and making a permanent addition to the public revenue, have freely and voluntarily resolved to grant unto your Majesty the duties hereinafter mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted &c. as follows:—

- Sect. 1. In the construction and for the purposes of this act, The term "real property" shall include all freehold, copyhold, customary, leasehold, and other hereditaments, and heritable property, whether corporeal or incorporeal, in Great Britain and Ireland, except money secured on heritable property in Scotland, and all estates in any such hereditaments.
- The term "personal property" shall not include leaseholds, but shall include money payable under any engagement, and money secured on heritable property in Scotland, and all other property not comprised in the preceding definition of real property.
- The term "property" alone shall include real property and personal property.
- The term "succession" shall denote any property chargeable with duty under this act.
- The term "trustee" shall include an executor and administrator, and any person having or taking on himself the administration of property affected by any express or implied trust.
- The term "person" shall include a body corporate, company, and society.
- The term "Legacy Duty Acts" shall denote the acts now in force for charging duties on legacies and shares of the personal estates of deceased persons.
2. Every past or future disposition of property, by reason

whereof any person has or shall become beneficially entitled to any property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this act, either immediately or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and every devolution by law of any beneficial interest in property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this act, to any other person, in possession or expectancy, shall be deemed to have conferred or to confer, on the person entitled by reason of any such disposition or devolution, a "succession;" and the term "successor" shall denote the person so entitled; and the term "predecessor" shall denote the settlor, disponent, testator, obligor, ancestor, or other person from whom the interest of the successor is or shall be derived.

3. Where any persons shall, at or after the time appointed for the commencement of this act, have any property vested in them jointly, by any title not conferring on them a succession, any beneficial interest in such property accruing to any of them by survivorship shall be deemed to be a succession; and every person to whom any such interest shall accrue shall be deemed to be the successor; and the person upon whose death such accruer shall take place shall be deemed to be the predecessor; and where any persons after the time appointed for the commencement of this act shall take any succession jointly, they shall pay the duty, if any, chargeable thereon by this act in proportion to their respective interests in the succession; and any beneficial interest in such succession accruing to any of them by survivorship shall be deemed to be a new succession derived from the predecessor from whom the joint title shall have been derived.

4. Where any person shall have a general power of appointment, under any disposition of property taking effect upon the death of any person dying after the time appointed for the commencement of this act, over property, he shall, in the event of his making any appointment thereunder, be deemed to be entitled, at the time of his exercising such power, to the property or interest thereby appointed as a succession derived from the donor of the power; and where any person shall have a limited power of appointment, under a disposition taking effect upon any such death, over property, any person taking any property by the exercise of such power shall be deemed to take the same as a succession derived from the person creating the power as predecessor.

5. Where any property shall, at or after the time appointed for the commencement of this act, be subject to any charge, estate, or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or persons upon the extinction or determination of such charge, estate, or interest, shall be deemed to be a succession accruing to the person, or the persons if more than one, then entitled beneficially to the property, or the income thereof, according to his or their respective estates or interests therein, or beneficial enjoyment thereof; and the person or persons from whom such successor or successors respectively shall have derived title to the property so charged shall be deemed to be the predecessor or predecessors, as the case may be.

6. Provided that no person entitled, at the time appointed for the commencement of this act, to the immediate reversion in any real property expectant upon the determination of any lease for life, or for years determinable on life, shall be chargeable with duty in respect of such determination, in the event of the same occurring in his lifetime.

7. Where any disposition of property, not being a *bonâ fide* sale, and not conferring an interest expectant on death on the person in whose favour the same shall be made, shall be accompanied by the reservation or assurance of or contract for any benefit to the grantor, or any other person, for any term of life, or for any period ascertainable only by reference to death, such disposition shall be deemed to confer, at the time appointed for the determination of such benefit, an increase of beneficial interest in such property, as a succession equal in annual value to the yearly amount or yearly value of the benefit so reserved, assured, or contracted for, on the person in whose favour such disposition shall be made.

8. Where any disposition of property shall be made to take effect at a period ascertainable only by reference to the date of the death of any person dying after the time appointed for the

commencement of this act, such disposition shall be deemed to confer a succession on the person in whose favour the same shall be made; and where any disposition of property shall purport to take effect presently, or under such circumstances as not to confer a succession, but by the effect or in consequence of any engagement, secret trust, or arrangement, capable of being enforced in a court of law or equity, the beneficial ownership of such property shall not *bonâ fide* pass according to such disposition, but shall in fact devolve to any person on death, or at some period ascertainable only by reference to death, then such last-mentioned person shall be deemed to acquire the property so passing as a succession derived from the person making the disposition as the predecessor; and where any court of competent jurisdiction shall declare any disposition to have been fraudulent, and made for the purpose of evading the duty imposed by this act, it shall be lawful for such court to declare a succession to have been conferred on such person at such time and to such an extent as such court shall think just; and such last-mentioned person shall be deemed to have taken a succession accordingly derived from the person making such disposition as predecessor.

9. The duties hereinafter imposed shall be considered as stamp duties, and shall be under the care and management of the Commissioners of Inland Revenue, hereinafter called "the commissioners," who, by themselves and their officers, shall have the same powers and authorities for the collection, recovery, and management thereof as are by an act passed in the session holden in the 12 & 13 Vict., [c. 1], or by any other act or acts, vested in them for the collection, recovery, and management of any stamp duties; and shall provide proper stamps for denoting the rate per centum of the duties payable under this act; and shall have all other powers and authorities requisite for carrying this act into execution.

10. There shall be levied and paid to her Majesty in respect of every such succession as aforesaid, according to the value thereof, the following duties, (that is to say),

Where the successor shall be the lineal issue or lineal ancestor of the predecessor, a duty at the rate of 11. per centum upon such value:

Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, a duty at the rate of 31. per centum upon such value:

Where the successor shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the predecessor, a duty at the rate of 51. per centum upon such value:

Where the successor shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the predecessor, a duty at the rate of 61. per centum upon such value:

Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described, or shall be a stranger in blood to him, a duty at the rate of 101. per centum upon such value.

11. Where any person chargeable with duty under this act in respect of any succession, or chargeable with duty under the Legacy Duty Acts in respect of any legacy bequeathed to him or her by a testator dying after the time appointed for the commencement of this act, or in respect of the personal estate of any person dying after the same period, shall have been married to any wife or husband of nearer consanguinity than himself or herself to the predecessor, testator, or deceased person, then the person taking such succession, legacy, or personal estate shall pay in respect thereof the same rate of duty only as such his or her wife or husband would have been chargeable with if she or he had taken the same.

12. Where any person shall take a succession under a disposition made by himself, then, if at the date of such disposition he shall have been entitled to the property comprised in the succession expectantly on the death of any person dying after the time appointed for the commencement of this act, and such person shall have died during the continuance of such disposition, he shall be chargeable with duty on his succession at the same rate as he would have been chargeable with if no such disposition had been made; but a successor shall not in any other case be chargeable with duty upon a succession taken under a disposition made by himself, and no person shall be chargeable with duty upon the extinction or determination of any charge, estate, or interest created by



himself, unless at the date of the creation thereof he shall have been entitled to the property subjected thereto expectantly on the death of some person dying after the time appointed for the commencement of this act.

13. Where the successor shall derive his succession from more predecessors than one, and the proportional interest derived from each of them shall not be distinguishable, it shall be lawful for the commissioners to agree with the successor as to the duty payable; but if no such agreement shall be made, the successor shall be deemed to have derived his succession in equal proportions from each predecessor, and shall be chargeable with duty accordingly.

14. Where the interest of any successor in any personal property shall, before he shall have become entitled thereto in possession, have passed by reason of death to any other successor or successors, then one duty only shall be paid in respect of such interest, and shall be due from the successor who shall first become entitled thereto in possession; but such duty shall be at the highest rate which, if every such successor had been subject to duty, would have been payable by any one of them.

15. Where, at the time appointed for the commencement of this act, any reversionary property expectant on death shall be vested, by alienation or other derivative title, in any person other than the person who shall have been originally entitled thereto under any such disposition or devolution as is mentioned in the 2nd section of this act, then the person in whom such property shall be so vested shall be chargeable with duty in respect thereof as a succession at the same time and at the same rate as the person so originally entitled would have been chargeable with if no such alienation had been made or derivative title created; and where, after the time appointed for the commencement of this act, any succession shall, before the successor shall have become entitled thereto or to the income thereof in possession, have become vested by alienation or by any title not conferring a new succession in any other person, then the duty payable in respect thereof shall be paid at the same rate and time as the same would have been payable if no such alienation had been made or derivative title created; and where the title to any succession shall be accelerated by the surrender or extinction of any prior interests, then the duty thereon shall be payable at the same time and in the same manner as such duty would have been payable if no such acceleration had taken place.

16. Where property shall become subject to a trust for any charitable or public purposes, under any past or future disposition, which, if made in favour of an individual, would confer on him a succession, there shall be payable in respect of such property, upon its becoming subject to such trusts, a duty at the rate of 10*l.* per centum upon the amount or principal value of such property; and it shall be lawful for the trustee of any such property to raise the amount of any duty due in respect thereof, with all reasonable expenses, upon the security of the charity property, at interest, with power for him to give effectual discharges for the money so raised.

17. No policy of insurance on the life of any person shall create the relation of predecessor and successor between the insurers and the assured, or between the insurers and any assignee of the assured, and no bond or contract made by any person *bonâ fide* for valuable consideration in money or money's worth, for the payment of money or money's worth after the death of any other person, shall create the relation of predecessor and successor between the person making such bond or contract and the person to or with whom the same shall be made; but any disposition or devolution of the monies payable under such policy, bond, or contract, if otherwise such as in itself to create a succession within the provisions of this act, shall be deemed to confer a succession.

18. Where the whole succession or successions derived from the same predecessor and passing upon any death to any person or persons shall not amount in money or principal value to the sum of 100*l.*, no duty shall be payable under this act in respect thereof, or of any portion thereof; and no duty shall be payable under this act upon any succession which, as estimated according to the provisions of this act, shall be of less value than 20*l.* in the whole, or upon any monies applied to the payment of the duty on any succession according to any trust for that purpose, or by any person in respect of a succession, who, if the same were a legacy bequeathed to him by the predecessor, would be exempted from

the payment of duty in respect thereof under the Legacy Duty Acts; and no person shall be charged with duty under this act in respect of any interest surrendered by him or extinguished before the time appointed for the commencement of this act; and no person charged with the duties on legacies and shares of personal estate under the Legacy Duty Acts, in respect of any property subject to such duties, shall be charged also with the duty granted by this act in respect of the same acquisition of the same property.

19. No legatee or other person shall, after the time appointed for the commencement of this act, be chargeable under the Legacy Duty Acts with duty, not then already due, in respect of any leasehold hereditaments of any testator or deceased person, as belonging to the personal estate of the testator or deceased.

20. The duty imposed by this act shall be paid at the time when the successor, or any person in his right or on his behalf, shall become entitled in possession to his succession, or to the receipt of the income and profits thereof; except that if there shall be any prior charge, estate, or interest, not created by the successor himself, upon or in the succession, by reason whereof the successor shall not be presently entitled to the full enjoyment or value thereof, the duty in respect of the increased value accruing upon the determination of such charge, estate, or interest, shall, if not previously paid, compounded for, or commuted, be paid at the time of such determination; and except that in case of an annuity, or property hereby made chargeable as an annuity, the duties shall be paid by such instalments as are hereinafter directed or referred to; provided that no duty shall be payable upon the determination of any lease purporting at the date thereof to be a lease at rack-rent, in respect of the increase accruing to the successor upon such determination.

21. The interest of every successor, except as herein provided, in real property, shall be considered to be of the value of an annuity equal to the annual value of such property, after making such allowances as are hereinafter directed, and payable from the date of his becoming entitled thereto in possession, or to the receipt of the income or profits thereof during the residue of his life, or for any less period during which he shall be entitled thereto; and every such annuity, for the purposes of this act, shall be valued according to the tables in the schedule annexed to this act; and the duty chargeable thereon shall be paid by eight equal half-yearly instalments, the first of such instalments to be paid at the expiration of twelve months next after the successor shall have become entitled to the beneficial enjoyment of the real property in respect whereof the same shall be payable, and the seven following instalments at half-yearly intervals of six months each, to be computed from the day on which the first instalment shall have become due; provided that if the successor shall die before all such instalments shall have become due, then any instalments not due at his decease shall cease to be payable, except in the case of a successor who shall have been competent to dispose by will of a continuing interest in such property, in which case the instalments unpaid at his death shall be a continuing charge on such interest, in exoneration of his other property, and shall be payable by the owner for the time being of such interest.

22. In estimating the annual value of lands used for agricultural purposes, houses, buildings, tithes, teinds, rent-charges, and other property yielding or capable of yielding income not of a fluctuating character, an allowance shall be made of all necessary outgoings.

23. Where timber, trees, or wood, not being coppice of underwood, shall be comprised in any succession, the successor shall be chargeable with duty upon his interest in the net monies, after deducting all necessary outgoings for the year, which shall from time to time be received from any sales of such timber, trees, or wood, and shall account for and pay the same yearly; provided that no duty shall be payable on the net monies received from the sale of timber, trees, or wood in any one year unless such net monies shall exceed the sum of 10*l.*; provided that if the successor shall be desirous of commuting the duty, and shall deliver to the commissioners an estimate of the net monies obtainable by him from the sale of such timber, trees, and wood as may, in a prudent course of management of the property, be felled by such successor during his life, the commissioners, if satisfied with such estimate, shall accept the same, and assess the duty accordingly.

24. A successor shall not be chargeable with duty in respect of any advowson or church patronage comprised in his succession, unless the same, or some right of presentation, or some other interest in or out of such advowson or church patronage, shall be disposed of by or in concert with him for money or money's worth, in which case he shall be chargeable with duty upon the amount or value of the money or money's worth for which the same, or any such presentation or interest, shall be so disposed of at the time of such disposal.

25. Where a successor, entitled to any real property subject to any lease by reason whereof he shall not be presently entitled to the full enjoyment thereof, shall not have paid duty in respect of the full yearly value of such property, he shall be chargeable with duty upon his interest in any fine or grassum or other consideration which may be received during his life for the renewal of any such lease, or the grant of any reversionary lease of the same property.

26. The yearly value of any manor, opened mine, or other real property of a fluctuating yearly income, shall either be calculated upon the average profits or income derived therefrom, after deducting all necessary outgoings, during such a number of preceding years as shall be agreed upon for this purpose between the commissioners and the successor, before the first payment of duty on the succession shall have become due; or if no such period shall be agreed upon, then the principal value of such property shall be ascertained, and the annual value thereof shall be considered to be equal to interest calculated at the rate of 34. per cent. per annum on the amount of such principal value.

27. Where any body corporate, company, or society shall become entitled, as successors, to any real property, the duty in respect thereof shall be assessed upon the principal value of such property, but shall be payable by such instalments, at such times, and in such manner as the same would be payable if assessed in respect of property devolving on a successor in fee-simple; and it shall be lawful for such body corporate, company, or society, or any trustee thereof, to raise the amount of any duty due in respect of their succession upon the security thereof, at interest, with power for them to give effectual discharges for the money so raised.

28. If a successor, or any person on his behalf, upon becoming entitled to any copyhold or other real property, shall be subject to any fines, casualties of superiority, compositions, reliefs, or charges incident to the tenure thereof, and due in respect of his succession, he shall be entitled to have a deduction allowed to him of the amount of such fines, casualties, compositions, reliefs, or charges from the assessable value of his interest in such copyhold or other real property.

29. The interest of any successor in monies to arise from the sale of real property under any trust for the sale thereof, so far as the same shall not be chargeable with duty under the Legacy Duty Acts, shall be deemed to be personal property chargeable with duty under this act; provided that where such monies shall be subject to any trust for the re-investment thereof in the purchase of other real property, to which the successor would not be absolutely entitled, such monies shall be deemed to be real property, and for the purpose of this act each successor's interest therein shall be considered to be of the value of an annuity, payable during his life, or for any less period during which he shall be entitled, equal in amount to the annual produce of the actual trust property at the time of his becoming entitled in possession, whether the same shall then be the real property subject to the trust or direction for sale, or any property purchased in substitution for it, or any intermediate investment of the produce of the sale of the original property.

30. The interest of any successor in personal property subject to any trust for the investment thereof in the purchase of real property to which the successor would be absolutely entitled shall, so far as the same shall not be chargeable with duty under the Legacy Duty Acts, be chargeable with duty under this act as personal property; and personal property subject to any trust for the investment thereof in the purchase of real property to which the successor would not be absolutely entitled shall, so far as the same shall not be chargeable with duty under the Legacy Duty Acts, be chargeable with duty under this act as real property; and for the purposes of this act each successor's interest therein shall be considered to be of the value of an annuity, payable during his life, or for any less period during which he shall be entitled,

equal in amount to the annual produce of the actual trust property at the time of his becoming entitled in possession, whether the same shall be the real property directed to be purchased, or any intermediate investment of the personal property directed to be invested in such purchase.

31. Where it shall be required to calculate, for the purposes either of this act or of the Legacy Duty Acts, the value of any annuity, or of any interest chargeable with duty as an annuity, such value shall, after the time appointed for the commencement of this act, be calculated according to the tables in the schedule annexed to this act, and not according to the tables in the schedule annexed to the act of the 36 Geo. 3, c. 52, and such annuity or interest shall be chargeable with duty accordingly.

32. The following provisions relating to the assessment and payment of duty on personal estate, and the exemption thereof from duty in certain cases, namely, the 8th, 10th, 11th, 12th, 14th, and 23rd sections of the said act of the 36 Geo. 3, c. 52, shall be applicable to the personal property comprised in any succession, and to the assessment and payment of duty thereon, as if such personal property were a legacy bequeathed by the predecessor to the successor, and were subject to the said provisions, and as if the tables in the said act referred to were the tables in the schedules annexed to this act.

33. Where the donee of a general power of appointment shall become chargeable with duty in respect of the property appointed by him under such power, he shall be allowed to deduct from the duty so payable any duty he may have already paid in respect of any limited interest taken by him in such property.

34. In estimating the value of a succession, no allowance shall be made in respect of any incumbrance thereon created or incurred by the successor, not made in execution of a prior special power of appointment, but an allowance shall be made in respect of all other incumbrances, and also in respect of any monies which the successor may previously to his possession have laid out in the substantial repairs or permanent improvement of real property comprised in his succession; provided that upon any successor becoming entitled to real property subject to any prior principal charge, an allowance shall be made to him in respect only of the yearly sums payable by way of interest or otherwise on such charge as reducing the annual value *pro tanto* of such real property.

35. In estimating the value of a succession, no allowance shall be made in respect of any contingent incumbrance thereon; but in the event of such incumbrance taking effect as an actual burthen on the interest of the successor, he shall be entitled to a return of a proportionate amount of the duty so paid by him in respect of the amount or value of the incumbrance when taking effect.

36. In estimating the value of a succession, no allowance shall be made in respect of any contingency upon the happening of which the property may pass to some other person; but in the event of the same so passing, the successor shall be entitled to a return of so much of the duty paid by him as will reduce the same to the amount which would have been payable by him if such duty had been assessed in respect of the actual duration or extent of his interest.

37. Where a successor shall not have obtained the whole of his succession at the time of the duty becoming payable, he shall be chargeable only with duty on the value of the property or benefit from time to time obtained by him; and whenever any duty shall have been paid on account of any succession, and it shall afterwards be proved to the satisfaction of the commissioners that such duty, not being due from the person paying the same, was paid by mistake, or was paid in respect of property which the successor shall have been unable to recover, or from or of which he shall have been evicted or deprived by any superior title, or that for any other reason it ought to be refunded, the commissioners shall thereupon refund the same to the person entitled thereto.

38. Where any successor upon taking a succession shall be bound to relinquish or be deprived of any other property, the commissioners shall, upon the computation of the assessable value of his succession, make such allowance to him as may be just in respect of the value of such property.

39. Where, in the opinion of the commissioners, any succession shall be of such a nature, or so disposed or circumstanced, that the value thereof shall not be fairly ascertainable

under any of the preceding directions, or where, from the complication of circumstances affecting the value of a succession, or affecting the assessment or recovery of the duty thereon, the commissioners shall think it expedient to exercise this present authority, it shall be lawful for them to compound the duty payable on the succession upon such terms as they shall think fit, and to give discharges to the successor, upon payment of duty according to such composition; and it shall be lawful for them, in any special cases in which they may think it expedient so to do, to enlarge the time for payment of any duty.

40. It shall be lawful for the commissioners to receive any duty tendered to them in advance, and to allow discount thereon at the rate of 4l. per centum per annum, or at such other rate as may from time to time be directed by the Commissioners of her Majesty's Treasury; and no person, by reason of his having made any payment of duty in advance, shall be prejudiced in his right to have any repayment of duty made to him to which he may become entitled under any of the provisions of this act.

41. It shall be lawful for the commissioners, in their discretion, upon application made by any person who shall be entitled to a succession in expectancy, to commute the duty presumptively payable in respect of such succession for a certain sum to be presently paid, and for assessing the amount which shall be so payable they shall cause the present value to be set upon such presumptive duty, regard being had to the contingencies affecting the liability to such duty, and the interest of money involved in such calculation being reckoned at the rate for the time being allowed by the commissioners in respect of duties paid in advance; and upon the receipt of such certain sum they shall give discharges to the successor accordingly.

42. The duty imposed by this act shall be a first charge on the interest of the successor, and of all persons claiming in his right, in all the real property in respect whereof such duty shall be assessed; and such duty shall also be a first charge on the interest of the successor in the personal property in respect whereof the same shall be assessed, while the same shall remain in the ownership or control of the successor, or of any trustee for him, or of his guardian or committee, or tutor or curator, or of the husband of any wife who shall be the successor; and the said duty shall be a debt due to the Crown from the successor, having, in the case of real property comprised in any succession, priority over all charges and interests created by him, but such duty shall not charge or affect any other real property of the successor than the property comprised in such succession; provided that where any settled real property comprised in a succession shall be subject to any power of sale, exchange, or partition, exercisable with the consent of the successor, or by the successor with the consent of another person, he shall not be disqualified by the charge of duty on his succession from effectually authorising by his consent the exercise of such power, or exercising any power with proper consent, as the case may be, and in such case the duty shall be charged substitutively upon the successor's interest in all real property acquired in substitution for the real property before comprised in the succession, and in the meantime upon his interest also in all monies arising from the exercise of any such power, and in all investments of such monies.

43. The commissioners shall, at the request of any successor, or any person claiming in his right, acceptor cause to be made so many separate assessments of the duty payable in respect of the interest of the successor in any separate properties, or in defined portions of the same property, as shall be reasonably required; and in such cases the respective properties shall be chargeable only with the amount of duty separately assessed in respect thereof; and it shall be lawful also for the commissioners, by their certificates, to be issued in such form as they shall think fit, from time to time to declare that any duties already assessed, whether collectively or distributively, in respect of any succession, shall thenceforth be charged, as to any unpaid instalments, according to any further distribution thereof, upon separate parts only of the property in respect of which such assessment shall have been made, in which case the charge of such duties shall be thenceforth limited according to such further distribution.

44. The following persons, besides the successor, shall be personally accountable to her Majesty for the duty payable in respect of any succession, but to the extent only of the property or funds actually received or disposed of by them respec-

tively after the time appointed for the commencement of this act; that is to say, every trustee, guardian, committee, tutor, or curator, or husband, in whom respectively any property, or the management of any property, subject to such duty, shall be vested, and every person in whom the same shall be vested by alienation or other derivative title at the time of the succession becoming an interest in possession; and all such trustees, guardians, committees, tutors, curators, husbands, and persons shall be authorised to compound or pay in advance or commute any duty, and retain out of the property subject to any such duty the amount thereof, or to raise such amount, and the expenses incident thereto, at interest on the security of such property, with power to give effectual discharges for the same, and such security shall have priority over any charge or incumbrance created by the successor; and in the event of the non-payment of such duty as aforesaid every person hereby made accountable shall be a debtor to her Majesty in the amount of the unpaid duty for which he shall be so accountable.

45. The persons hereby made accountable for the payment of duty in respect of any succession, or some of them, shall, in the case of personal property, at the time of the first payment, delivery, retainer, satisfaction, or other discharge of the same, or any part thereof, to or for the successor or any person in his right, and in the case of real property when any duty in respect thereof shall first become payable, give notice to the commissioners or to their officers of their liability to such duty, and shall at the same time deliver to the commissioners or to their officers a full and true account of the property for the duty whereon they shall respectively be accountable, and of the value thereof, and of the deductions claimed by them, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the commissioners fully and correctly to ascertain the duties due; and the commissioners, if satisfied with such account and estimate as originally delivered, or with any amendments that may be made therein upon their requisition, may assess the succession duty on the footing of such account and estimate; but it shall be lawful for the commissioners, if dissatisfied with such account and estimate, to cause an account and estimate to be taken by any person or persons to be appointed by themselves for that purpose, and to assess the duty on the footing of such last-mentioned account and estimate, subject to appeal, as hereinafter provided; and if the duty so assessed shall exceed the duty assessable according to the return made to the commissioners, and with which they shall have been dissatisfied, and if there shall be no appeal against such assessment, then it shall be in the discretion of the commissioners, having regard to the merits of each case, to charge the whole or any part of the expenses incident to the taking of such last-mentioned account and estimate on the interest of the successor in respect whereof the duty shall be due, in increase of such duty, and to recover the same forthwith accordingly; and if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the court of appeal hereinafter appointed.

46. If any person required to give any such notice or deliver such account as aforesaid shall wilfully neglect to do so at the prescribed period, he shall be liable to pay to her Majesty a sum equal to 10l. per centum upon the amount of duty payable by him, or in the case of a succession chargeable with a higher rate of duty than 1l. per centum upon the value thereof, upon such less sum as such duty, if assessable at the rate of 1l. per centum upon the value of the succession, would amount to, and a like penalty for every month after the first month during which such neglect shall continue; and if any person liable under this act to pay any duty shall, after such duty shall have been finally ascertained, wilfully neglect to do so within twenty-one days, he shall also be liable to pay to her Majesty a sum equal to 10l. per centum upon the amount of duty so unpaid, or upon such less sum as such duty, if assessable at the rate of 1l. per centum on the value of the succession, would amount to, and a like penalty for every month after the first month during which such neglect shall continue.

47. If any accountable party required by the commissioners to deliver any such account as aforesaid shall make default in doing so, it shall be lawful for the commissioners to sue out of her Majesty's Court of Exchequer in England, Scotland, or Ireland, as they shall think expedient, according to the circumstances of the case, and for such Court to issue, a writ of sum-

mons in such form as the judges of such court shall from time to time frame, commanding the party so in default to deliver such account within such period as may be appointed in the writ, or to shew cause to the contrary, and on cause being shewn such order shall be made as shall be just.

48. The commissioners shall, for the purposes of the Legacy Duty Acts, be empowered to require and enforce the delivery of accounts from executors, administrators, and trustees of property and legatees chargeable with duty under such acts, and for the duty whereon they shall be accountable, in the same manner as they are by the last preceding section of this act empowered to require and enforce the delivery of accounts for the purposes of this act.

49. Every person who under the provisions of this act may deliver any account or estimate of the property comprised in any succession shall, if required by the commissioners, produce before them such books and documents in the custody or control of such person, so far as the same relate to such account or estimate, as may be capable of affording any necessary information for the purpose of ascertaining such property and the duty payable thereon; and the commissioners may, without payment of any fee, inspect and take copies of any public book; but all such information shall be deemed to be confidential, and the commissioners shall not disclose the same, or the contents of any document or book, to any person, otherwise than for the purposes of this act.

50. It shall be lawful for any accountable party dissatisfied with the assessment of the commissioners, upon giving, within twenty-one days after the date of such assessment, notice in writing to the commissioners of his intention to appeal against such assessment, and a statement of the grounds of such appeal, such statement to be furnished within the further period of thirty days, to appeal by petition accordingly to her Majesty's Court of Exchequer in England, Scotland, or Ireland, according to the place in which the appellant shall be resident; and every such court, or any judge thereof sitting in chambers, shall have jurisdiction to hear and determine the matter of such appeal and the costs thereof, with power to direct, for the purposes of such appeal, any inquiry, valuation, or report to be made by any officer of the court, or other person, as such court or judge may think fit; provided that where the sum in dispute in respect of duty on such assessment does not exceed 50*l.*, the accountable party may, having given notice of appeal and delivered a statement of the grounds thereof as hereinbefore directed, appeal to the judge of the county court in England, the sheriff court in Scotland, or the assistant barrister's court in Ireland, for the district, county, or division in which the appellant shall be resident or the property be situate, and every such judge shall have jurisdiction to hear and determine the matter of such last-mentioned appeal, with the like power and authority as are by this section given to a judge of her Majesty's Court of Exchequer.

51. Whenever any payment of duty shall be made under this act, the same shall be entered in a book to be kept by the commissioners for this purpose, and the Receiver-General of Inland Revenue, or other proper officer appointed by the commissioners, shall give a receipt for the same in such form as they shall think fit, and stamped with the proper stamp for denoting the rate of duty; and the commissioners shall from time to time deliver to any person interested in any property affected by such duty, on applying for the same for any reasonable purpose approved by the commissioners, a certificate, in such form as they may think fit, of such payment.

52. Every receipt and certificate purporting to be in discharge of the whole duty payable for the time being in respect of any succession, or any part thereof, shall exonerate a bonâ fide purchaser for valuable consideration, and without notice, from such duty, notwithstanding any suppression or misstatement in the account upon the footing whereof the same may have been assessed, or any insufficiency of such assessment; and no bonâ fide purchaser of property for valuable consideration under a title not appearing to confer a succession shall be subject to any duty with which such property may be chargeable under the provisions of this act, by reason of any extrinsic circumstances of which he shall not have had notice at the time of such purchase.

53. Whenever any suit shall be pending in any court for the administration of any property chargeable with duty under this act or the Legacy Duty Acts, such court shall provide, out

of any property which may be in the possession or control of the court, for the payment of duty to the commissioners.

54. This act shall be taken to have come into operation on the 19th May, 1853, and shall take effect accordingly.

55. This act may be cited for all purposes as "The Succession Duty Act, 1853."

(To be continued).

## London Gazette.

FRIDAY, AUGUST 26.

### BANKRUPTS.

**WILLIAM TRANGMAR**, Crawford-street, Marylebone, Middlesex, hardwareman, Sept. 2 at 2, and Oct. 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & S. Solomon, 136, Fenchurch-st., London.—Petition filed Aug. 13.

**CHARLES WILLIAM MATHEWS**, High-st., Woolwich, Kent, butcher, dealer and chapman, Sept. 12 at 1, and Oct. 5 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Buchanan, 8, Basinghall-street, London.—Petition filed May 24.

**GEORGE WINN**, Scarborough, Yorkshire, linen and woollen draper, dealer and chapman, Sept. 13 and Oct. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds.—Petition dated Aug. 19.

**JOHN ANNING**, Tiverton, Devonshire, linendraper, Sept. 1 and 29 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Cockram, Tiverton; Turner, Exeter.—Petition filed Aug. 22.

### MEETINGS.

**James H. Gibbons**, Wood-street, Cheapside, London, straw hat warehouseman, Sept. 14 at 1, Court of Bankruptcy, London, last ex.—**Patrick Drum**, Liverpool, glass bottle dealer, Sept. 5 at 11, District Court of Bankruptcy, Liverpool, last ex.—**David L. Williams**, Cwmnantyrtaw Colliery, Thornhill, Llandilo, Carmarthenshire, and Albert-street, Camden-town, Middlesex, coal owner, Sept. 12 at 1, Court of Bankruptcy, London, aud. ac.—**Mark Pratten** the younger, Bristol, leather dealer, Sept. 9 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Sept. 16 at 11, fin. div.—**William Lee**, Honiton, Devonshire, builder, Sept. 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 22 at 1, div.—**Wm. Elgood**, Leicester, merchant, Oct. 7 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—**Thos. Bathgate**, Birmingham, draper, Oct. 3 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—**Joseph H. Spry**, Bath, apothecary, Sept. 22 at 11, District Court of Bankruptcy, Bristol, fin. div.—**David Scott**, Flint, Flintshire, iron master, Sept. 16 at 11, District Court of Bankruptcy, Liverpool, div.—**Thos. Deas**, Seacombe, Cheshire, chemist, Sept. 16 at 11, District Court of Bankruptcy, Liverpool, div.—**David Little**, Liverpool, merchant, Sept. 16 at 11, District Court of Bankruptcy, Liverpool, div.—**Wm. Green** the younger, Higher Trannere, Cheshire, brewer, Sept. 16 at 11, District Court of Bankruptcy, Liverpool, div.—**W. Lee**, Honiton, Devonshire, builder, Sept. 22 at 1, District Court of Bankruptcy, Exeter, div.

### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

**John Danby**, Wellington, Shropshire, grocer, Oct. 1 at 10, District Court of Bankruptcy, Birmingham.—**R. Lathbury**, Burton-upon-Trent, Staffordshire, grocer, Oct. 1 at 10, District Court of Bankruptcy, Birmingham.—**William Elgood**, Leicester, hosier, Oct. 14 at 10, District Court of Bankruptcy, Nottingham.—**Charles Fletcher**, Derby, card-board manufacturer, Oct. 14 at 10, District Court of Bankruptcy, Nottingham.

To be granted, unless an Appeal be duly entered.

**John H. Watkins**, Woolwich, Kent, grocer.

### SCOTCH SEQUESTRATIONS.

**Wm. Roy**, jun., Glasgow, iron merchant.—**Robt. Pringle**, Fierahill, near Edinburgh, sutler.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Isaac Phillips*, Cardiff, Glamorganshire, licensed hawk, Sept. 13 at 10, County Court of Glamorganshire, at Cardiff.—*David Phillips*, Cardiff, Glamorganshire, licensed hawk, Sept. 13 at 10, County Court of Glamorganshire, at Cardiff.—*James Fry*, Winkfield, Berkshire, plumber, Sept. 13 at 10, County Court of Berkshire, at Windsor.—*Edward S. Smith*, Sittingbourne, Kent, watchmaker, Sept. 24 at 10, County Court of Kent, at Sittingbourne.—*John Cosier*, Chatham, Kent, cabinet maker, Sept. 8 at 10, County Court of Kent, at Rochester.—*Chas. Osborne*, Lamberhurst, Sussex, carpenter, Sept. 15 at 10, County Court of Kent, at Tunbridge Wells.—*Thomas Grice*, Bold, near Warrington, Lancashire, in no business, Sept. 7 at 12, County Court of Lancashire, at St. Helen's.—*B. May*, Owston, Lincolnshire, beer-shop keeper, Sept. 26 at 9, County Court of Lincolnshire, at Gainsborough.—*Isaac Williams*, St. Woollos, Monmouthshire, sawyer, Sept. 7 at 12, County Court of Monmouthshire, at Newport.—*Wm. H. Wickett*, St. Thomas the Apostle, Devonshire, baker, Sept. 13 at 10, County Court of Devonshire, at Exeter.—*Titus Gathercole*, Gooderstone, Norfolk, farmer, Sept. 8 at 10, County Court of Norfolk, at Swaffham.—*Ann Boxall*, widow, Swaffham, Norfolk, dealer in coals, Sept. 8 at 10, County Court of Norfolk, at Swaffham.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 12 at 10, before the CHIEF COMMISSIONER.*

*Thomas Wescott*, Union-square, Southwark, Surrey, commission agent.—*George Parsons*, Upper James-street, Camden-town, Middlesex, hair dresser.—*David Israel*, Middlesex-street, Whitechapel, Middlesex, butcher.

*Sept. 12 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Egerley*, Leadenhall-street, London, out of business.—*Philip Rogers*, Agnes-terrace, Tabernacle-sq., Shore-ditch, Middlesex, cheesemonger.—*William Gilbert Vincent Bernewall*, Devonshire-street, Portland-place, Middlesex, not in any business.

*Sept. 12 at 11, before Mr. Commissioner MURPHY.*

*Septimus Stephens*, Great Union-street, Borough-road, Surrey, out of business.—*Thomas Gallaway*, Fulham-place, Paddington-green, Middlesex, officer in the Excise.—*George Okey Nash*, Christopher-street, Hatton-garden, Middlesex, attorney-at-law.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Sept. 8 at 10.*

*Wm. Sargent*, Little Abington, labourer.

*At the County Court of Lancashire, at LANCASTER, Sept. 9 at 10.*

*John Abbott*, Blackburn, cotton manufacturer.—*W. Bury*, Over Darwen, near Blackburn, furniture broker.—*Jas. Caruthers*, Lancaster, stonemason.—*Hugh M. Kendrick*, Hulme, Manchester, out of business.—*Wm. Cleary*, Liverpool, oyster dealer.—*Henry Hargreaves*, Chorley, beerseller.—*H. Farnworth*, Enfield, near Blackburn, calico printer.—*John Sanderson*, Liverpool, out of employment.—*Chas. Audley*, Liverpool, beerseller.—*John Hibbert*, Heaton Norris, grocer.—*T. Jackson*, Ashton-under-Lyne, carrier.—*John Kershaw*, Oldham, cotton-waste dealer.—*Edw. Trayner*, Manchester, tailor.—*Samuel Bailey*, Heaton Norris, bookseller.—*Benj. Jowett*, Hulme, Manchester, out of business.—*John Wolstencroft*, Middleton, near Manchester, cowkeeper.

*At the County Court of Oxfordshire, at OXFORD, Sept. 9 at 10.*

*William Gibbons*, Oxford, out of business.

*At the County Court of Flintshire, at MOLD, Sept. 12 at 11.*

*Peter Roberts*, Roe, St. Asaph, grocer.

*At the County Court of Berkshire, at READING, Sept. 12.*

*Philip Long*, Sunningwell, out of business.—*J. Saunders* the elder, Reading, shoemaker.

*At the County Court of Carmarthenshire, at CARMARTHEN, Sept. 13 at 2.*

*J. Arthur*, Llanelly, coal owner.—*Elizabeth Humphreys*, widow, Carmarthen, out of business.

*At the County Court of Gloucestershire, at BRISTOL, Sept. 14 at 11.*

*Orlando Edwards*, Bristol, carpenter.

TUESDAY, AUGUST 30.

## BANKRUPTS.

FRANCIS EDMUND HAYMAN FOWLER, Brownlow-road, Dalston, Middlesex, and late of Frederick's-place, Vauxhall-road, Surrey, builder, dealer and chapman, Sept. 7 at half-past 11, and Oct. 13 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Murrough, 5, New-inn, Strand.—Petition filed Aug. 26.

JOHN SCOVELL, St. George's-road, New Kent-road, Surrey, and Botolph-lane, London, fish salesman, Sept. 8 at half-past 11, and Oct. 7 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & S. Solomon, 136, Fenchurch-st., London.—Petition filed Aug. 26.

ALFRED ROGERS, Upper Marylebone-street, Middlesex, draper, dealer and chapman, Sept. 8 and Oct. 14 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed Aug. 23.

JOHN GAMON, Church-street, Woolwich, Kent, butcher, dealer and chapman, Sept. 8 and Oct. 14 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Buchanan, 8, Basinghall-street, London.—Petition filed Aug. 27.

THOMAS JOHNSON, Broad-street-buildings, London, merchant, dealer and chapman, Sept. 8 at half-past 11, and Oct. 14 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Cotterill, 32, Throgmorton-st., London.—Petition filed Aug. 20.

THOMAS HUTCHINGS, Park-street, Westminster, Middlesex, and Great Grimsby, Lincolnshire, and Anston, Yorkshire, railway contractor and contractor for public works, stone merchant, shipowner, dealer and chapman, (lately carrying on the same businesses with William Wright and William Brown at St. Mildred's-court, London, and Great Grimsby, Lincolnshire, under the style or firm of Thomas Hutchings & Co., and at Anston, Yorkshire, under the style or firm of William Wright & Co.), Sept. 10 at 1, and Oct. 21 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Aug. 30.

JAMES KELLY, Baker's-row, Walworth, Surrey, tailor, dealer and chapman, Sept. 7 at half-past 12, and Oct. 12 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed Aug. 26.

THOMAS SHELTON CATLIN, Leicester, grocer, dealer and chapman, Sept. 9 and Oct. 7 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Hawker, Leicester.—Petition dated Aug. 24.

JOSEPH FOWLER, Chestergate, Macclesfield, Cheshire, provision dealer, grocer, dealer and chapman, Sept. 16 and Oct. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Norris, Macclesfield.—Petition filed Aug. 27.

## MEETINGS.

*John Bedford*, Wakefield, Yorkshire, cloth merchant, Sept. 22 at 11, District Court of Bankruptcy, Leeds, ch. ass.—*Francis Robinson*, Manchester, publican, Sept. 9 at 11, District Court of Bankruptcy, Manchester, last ex.—*W. Scales*, White Hill Paper Mill, near Chester-le-Street, Durham, paper manufacturer, Sept. 30 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Davis*, Colney-hatch, Middlesex, licensed victualler,

Sept. 19 at 1, Court of Bankruptcy, London.—*D. Macfie*, Edgeware-road, Middlesex, draper, Sept. 19 at 12, Court of Bankruptcy, London.—*John M' Lachlan*, Spital-square, Middlesex, auctioneer, Sept. 17 at 1, Court of Bankruptcy, London.—*Henry Fenn*, Suffolk-place, Commercial-road East, Middlesex, cheesemonger, Sept. 17 at half-past 1, Court of Bankruptcy, London.—*James W. Havers*, Judd-st., Brunswick-square, Middlesex, draper, Sept. 19 at 2, Court of Bankruptcy, London.—*William Long*, Philip-street, Backchurch-lane, St. George's-in-the-East, Middlesex, licensed victualler, Sept. 19 at half-past 2, Court of Bankruptcy, London.—*W. Riley*, St. Helen's, Lancashire, glass manufacturer, Sept. 22 at 11, District Court of Bankruptcy, Liverpool.—*W. Scales*, White Hill Paper Mill, near Chester-le-Street, Durham, paper manufacturer, Sept. 30 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Joshua Scholes*, Ashton-under-Lyne, Lancashire, shopkeeper, Sept. 22 at 12, District Court of Bankruptcy, Manchester.—*Francis English*, Manchester, power-loom cloth manufacturer, Sept. 21 at 12, District Court of Bankruptcy, Manchester.—*George Prochter*, Rochdale, Lancashire, cotton spinner, Sept. 21 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*James R. Hunt*, Great Marlow, Buckinghamshire, tailor.—*Young L. Marshall*, Roker, Durham, timber merchant.—*John Taylor*, Newcastle-upon-Tyne, common brewer.—*E. Smith*, South Shields, Durham, linendraper.—*John Roberts*, Stratford-upon-Avon, Warwickshire, builder.

#### PARTNERSHIP DISSOLVED.

*R. Curtis Phillips* and *A. K. Cornelius*, Weymouth and Melcombe Regis, Dorsetshire, and Southampton, solicitors, attornies, and conveyancers, (under the firm of Phillips & Cornelius).

#### SCOTCH SEQUESTRATIONS.

*James Monro*, Milton of Kinraigie, near Dalguise, farmer.—*Wm. Cree*, Glasgow, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Baker*, Bridgewater, Somersetshire, butcher, Sept. 14 at 9, County Court of Somersetshire, at Bridgewater.—*Joseph W. Bailey*, Bridgewater, Somersetshire, pattern maker, Sept. 14 at 9, County Court of Somersetshire, at Bridgewater.—*R. Patchell*, Birkenhead, Bedston, Cheshire, victualler, Sept. 9 at 10, County Court of Cheshire, at Birkenhead.—*John Stitson*, Milton Abbott, Devonshire, shoemaker, Sept. 17 at 10, County Court of Devonshire, at Tavistock.—*Thomas Featherstone*, Leicester, painter, Sept. 14 at 10, County Court of Leicester-shire, at Leicester.—*Wm. Dalton*, Leicester, builder, Sept. 14 at 10, County Court of Leicester-shire, at Leicester.—*Thos. Frearson*, Stanton-under-Bardon, Thornton, Leicester-shire, out of business, Sept. 13 at 10, County Court of Leicester-shire, at Ashby-de-la-Zouch.—*Geo. Perry*, Tividale, Rowley Regis, Staffordshire, ball furnaceman, Sept. 23 at 9, County Court of Worcestershire, at Dudley.

*Saturday, Aug. 27.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Jane Trotter*, widow, Seymour-street, Euston-square, Middlesex, No. 63,791 T.; *John Wilkie* and *William Unwin*, assignees.—*George H. Tollervey*, Portsmouth, Southampton, butcher, No. 76,558 C.; *William Kimber*, assignee.—*Wm. Prince*, Glossop, Derbyshire, retail dealer in ale, No. 76,797 C.; *James Sheppard*, assignee.

*Saturday, Aug. 27.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Smith*, Richmond, Surrey, retired captain, East India Company's Service: in the Gaol of Surrey.—*Henry Grantham*, Leatherhead, Surrey, brewer: in the Gaol of Surrey.—*Ebenazer Price*, York-street, City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles Bunyard*, Trinity-terrace, Trinity-square,

Southwark, Surrey, tailor: in the Debtors Prison for London and Middlesex.—*H. W. Headland*, Seymour-street, Euston-square, Middlesex, dyer: in the Debtors Prison for London and Middlesex.—*W. Evans Brown*, America-square, Minorities, City, master mariner: in the Queen's Prison.—*Geo. Wilkes*, Blackfriars-road, Surrey, bootmaker: in the Queen's Prison.—*Isaac Davis*, Houndsditch, City, oilman: in the Debtors Prison for London and Middlesex.—*Chas. Thos. Goldsmith*, Skidmore-street, Mile-end-road, Middlesex, cooper: in the Debtors Prison for London and Middlesex.—*Wm. Bidol*, Craven-street, City-road, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Chas. Seear*, Ely-place, Lower-road, near Ball's-pond, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*W. Adams*, Willenden, Middlesex, farmer: in the Debtors Prison for London and Middlesex.—*J. Knighton*, Singleton-street, Hoxton, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Alfred Chas. L. Champ*, Princes-square, St. George's-in-the-East, Middlesex, clerk in her Majesty's Customs: in the Debtors Prison for London and Middlesex.—*James Anderson*, Crown-row, Mile-end-road, Middlesex, rope dealer: in the Debtors Prison for London and Middlesex.—*John Layton*, Cumberland-row, Islington, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*R. Flint Steel*, Grove-place, Lisson-grove, St. John's-wood, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*James Carruthers*, Lancaster, stonemason: in the Gaol of Lancaster.—*Wm. Gibbons*, Oxford, out of business: in the Gaol of Oxford.—*Charles Henry Sellers*, Leeds, Yorkshire, provision dealer: in the Gaol of York.—*Alfred Kortright*, Gravesend, Kent, lieutenant in the Navy, on half-pay: in the Gaol of Maidstone.—*Philip Long*, Sunningwell, Berkshire, out of business: in the Gaol of Reading.—*John Saunders* the elder, Reading, Berkshire, shoemaker: in the Gaol of Reading.—*Peter Roberts*, St. Asaph, Flintshire, grocer: in the Gaol of Flint.—*John Clayton*, Sheerness, Kent, plumber: in the Gaol of Maidstone.—*H. Gloyne*, Wakefield, Yorkshire, grocer: in the Gaol of York.—*John Lynch*, Manchester, news-vender: in the Gaol of Lancaster.—*E. Hawkins*, Cranbrook, Kent, plumber: in the Gaol of Maidstone.—*R. Welham* the elder, Somersham, near Ipswich, Suffolk, brick-layer: in the Gaol of Ipswich.—*John Jones*, Pontypridd, Glamorganshire, assistant draper: in the Gaol of Cardiff.—*R. Thomas*, Swansea, Glamorganshire, potter: in the Gaol of Cardiff.—*Samuel Williams*, Hulme, Manchester, brick setter: in the Gaol of Manchester.—*Abraham Smith*, Huntingdon, grocer: in the Gaol of Huntingdon.—*Thomas Losley*, Ecclesfield Common, near Sheffield, Yorkshire, farmer: in the Gaol of York.—*James Broadhead*, Hepworth, near Holmfirth, Yorkshire, commission agent: in the Gaol of York.—*John Hunt*, Haydock, near Ashton-in-the-Willows, Lancashire, joiner: in the Gaol of Lancaster.—*Wm. Blevin*, Liverpool, out of business: in the Gaol of Lancaster.—*Richard Shaw*, Preston, Lancashire, beer-seller: in the Gaol of Lancaster.—*Robert Brown*, Bishopwearmouth, Durham, cooper: in the Gaol of Durham.—*Benjamin Jowett*, Hulme, Manchester, out of business: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 13 at 10, before the CHIEF COMMISSIONER.*

*James Gilbert*, Paul-street, Portman-market, Middlesex, licensed victualler.—*Isabella Hambleton*, widow, Cromer-st., Gray's-inn-lane, Middlesex, out of business.—*E. J. Hewson*, Maddox-street, Regent-street, Middlesex, milliner.

*Sept. 13 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Barrow*, Walton-street, Chelsea, Middlesex, out of business.—*Joseph Phillips*, Mitre-street, Aldgate, London, orange merchant.—*Joseph Jaques*, Cross Key-square, Little Britain, Aldersgate, London, foreman to a carman.

*Sept. 13 at 11, before Mr. Commissioner MURPHY.*

*Wm. Sier*, Camden-street, St. George's-in-the-East, Middlesex, eating-house keeper.—*Richard Smith*, Ann-street, Clerkenwell, Middlesex, out of business.—*Henry T. Sanderson*, Newington-crescent, Kennington-road, Surrey, civil engineer.

*Sept. 14 at 10, before the CHIEF COMMISSIONER.*

*George Amery*, Asylum-terrace, Asylum-road, Surrey,



coachmaker.—*John Maier Chapman*, Stephen-street, Great George-street, Bermondsey, Surrey, clerk in the office of the Bermondsey Improvement Commission.—*William Porter*, Goswell-road, Clerkenwell, Middlesex, retailer of beer.

Sept. 14 at 11, before Mr. Commissioner PHILLIPS.

The Rev. *George Birch* the younger, Lower Brunswick-terrace, Barnsbury-road, Islington, Middlesex, member of Christ's College, Cambridge.—*Frederick Baffey*, King-street, Lower-road, Islington, Middlesex, commission agent.—*A. W. Cole*, Westbourne-grove North, Bayswater, Middlesex, barrister-at-law.

Sept. 14 at 11, before Mr. Commissioner MURPHY.

*John Pinder*, Spring-street, Sussex-gardens, Hyde-park, Middlesex, cheesemonger.—*Thos. S. Lonsdell*, Hurst Farm, Sedlescombe, near Battle, Sussex, innkeeper.—*T. Sullivan*, Upper Ogle-street, Upper Marylebone-street, Marylebone, Middlesex, umbrella maker.

Sept. 15 at 10, before the CHIEF COMMISSIONER.

*Joel Millward*, Windsor-terrace, Pimlico, Middlesex, out of business.—*James Shepherd*, Holland-street, Brixton, Surrey, manufacturer of mineral waters.—*Henry Clark*, Hellingdon, Middlesex, out of business.

Sept. 15 at 11, before Mr. Commissioner PHILLIPS.

*Wm. Cawley*, Page's-walk, Grange-road, Bermondsey, Surrey, Spanish leather dresser.—*Thomas Wing*, Old Brentford, Middlesex, butcher.—*William Pedder*, Luton, Bedfordshire, out of business.

Sept. 15 at 11, before Mr. Commissioner MURPHY.

*George H. Child*, Albert-street, Regent's-park, Middlesex, wine merchant.—*James H. Connew*, Morpeth-street, Bethnal-green, Middlesex, commission agent.—*John Simons*, London-road, Southwark, Surrey, traveller for orders for cigars.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Carmarthenshire, at CARMARTHEN, Sept. 13 at 2.

*James Richards*, Penygader, Abergwilly, farmer.

At the County Court of Glamorganshire, at CARDIFF, Sept. 13.

*Wm. Meredith*, Cefn Coed Cymmer, Vaynor, Breconshire, and Troedyrhiw, Merthyr Tydfil, contractor.—*John Jones*, Postypridd, assistant draper.—*Rebecca Thomas*, Swansea, beer-house keeper.

At the County Court of Huntingdonshire, at HUNTINGDON, Sept. 14 at 12.

*Abraham Smith*, Huntingdon, grocer.

At the County Court of Staffordshire, at STAFFORD, Sept. 14 at 11.

*George Plant*, Burslem, potter.

At the County Court of Suffolk, at IPSWICH, Sept. 16 at 10.

*Robert Welham* the elder, Somersham, bricklayer.

At the County Court of Warwickshire, at COVENTRY, Sept. 19 at 12.

*Henry Randel*, Hanbury and Hadsor, licensed to brew.—*Thomas Huster*, Birmingham, bricklayer.—*William Horton*, Birmingham, out of business.—*Jos. Hewelline*, Birmingham, out of business.

At the County Court of Carnarvonshire, at CARNARVON, Sept. 20 at 10.

*William Hughes*, Carnarvon, grocer.

At the County Court of Radnorshire, at PRESTIGEON, Sept. 21 at 11.

*William Vaughan*, Knighton, carpenter.—*Edward Sykes*, Knighton, mason.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Henry Charnock*, Monkgate, York, land agent: 8d. in the pound.—*Wm. Giles*, Everton Milford, near Lymington, Southampton, lieutenant on half-pay in her Majesty's Royal Navy: 3s. 11d. in the pound.—*Peter Brown*, Romford, Essex, ironmonger: 1s. 10d. in the pound.—*John Waller*

*Martin*, Tottenham-court-road, Saint Pancras, Middlesex, cheesemonger: 1s. 1d. in the pound.—*Jas. Mann*, Sheffield, Yorkshire, spring knife-blade forger: 9s. 1½d. in the pound.—*Jas. Matthews*, Topsham, Devonshire, innkeeper: 3s. 3d. in the pound.—*Samuel Hoinville*, Holly Bush-gardens, Bethnal-green, Middlesex, fancy trimming manufacturer: 13s. (making 20s.) in the pound.—*Wm. Cluff*, Chapel-st., Spital-fields, Middlesex, dyer: 20s. in the pound.—*William Eccles*, Towngate, Leyland, near Chorley, Lancashire, licensed victualler: 8s. 11½d. in the pound.—*John Andrews*, Liverpool, licensed victualler: 9d. in the pound.—*Frederick Gee*, Manchester, surgeon: 1s. 5½d. in the pound.—*Wm. Rule*, Chiswell-st., Finsbury, Middlesex, grainer: 11½d. in the pound.—*Henry Halsey* the younger, Dorking, Surrey, gentleman: 4s. 2½d. in the pound.—*Edw. Cowell*, Cambridge, agent for the sale of books: 9s. 9½d. in the pound.—*Fredk. Atkinson*, Upper Berkeley-street West, Connaught-square, Middlesex, poulterer: 1s. 1½d. in the pound.—*Thomas Machern*, Pavement, Clapham-common, Clapham, Surrey, surgeon: 1s. 4½d. in the pound.—*German Wheatcraft*, Southampton-row, Russell-square, Middlesex, lieutenant in the 6th Inniskillen Dragoons: 6d. in the pound.—*Henry Biggs*, Prospect Villa, Clewer-green, near Windsor, Berkshire, schoolmaster: 1s. 3½d. in the pound.—*George North Cockburn Davis*, Upper North-place, Gray's-inn-road, Middlesex, retired paymaster and pursuer in her Majesty's Navy: 2s. in the pound.—*J. Salmon*, Kingswood, near Banstead, Surrey, licensed victualler: 1s. 8½d. in the pound.—*Joseph Tapson*, Palace-st., Pimlico, Middlesex, licensed victualler: 1s. 2½d. in the pound.—*S. Sparrow*, Babraham, Cambridgeshire, farmer: 3s. 4½d. in the pound.

Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Edward Delves Broughton, Gent., of Nantwich, Cheshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Chester, also in and for the counties of Stafford and Salop.

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### EASTERN UNION RAILWAY BILL. TO ALL THE PREFERENCE SHAREHOLDERS OF THE EASTERN UNION RAILWAY COMPANY.

I beg to inform you that this repudiating Bill has passed, notwithstanding my strenuous opposition to its unrighteous principle. The means by which it has been passed I shall take an opportunity of making very publicly known, and I trust my so doing may lead to these important and sacred questions of property being dealt with before more competent tribunals than the present parliamentary ones.

The Bill, as introduced by the Company, proposed compulsorily to pay off every class of Preference Shareholders at par, without the payment of any bonus, and without the payment of the arrears of dividend or interest due to you.

The immediate object of the present advertisement is to inform you, that, under the Act as it has been passed, you are entitled not only to 1091. for every 1000. of principal money, and so in proportion, but also to all your arrears of interest or dividends up to the time at which this Company may pay you the 1091. per cent. Do not be deluded by any statement that may be made to you as to there being doubt about your being legally entitled to all arrears of interest or dividends over and above the 1091. per cent. Since this Company dishonourably raised a doubt upon that subject, I have, through my eminent legal advisers, investigated it, and have also the opinion of counsel that there is no doubt whatever that you must be paid the whole of your arrears before the common shareholders can ever receive a farthing of dividend. You know from what is past that I shall continue to do my best.

I am, respectfully,

THOMAS STURGE.

Northfleet, in Gravesend, Aug. 20, 1853.

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# The Jurist

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PRICE 1s.

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LONDON, SEPTEMBER 10, 1853.

THE public in general, and magistrates in particular, will always owe a debt of gratitude to the present Chief Justice of the Court of Common Pleas for the series of statutes, known as "Jervis's Acts," relating to the duties of justices of the peace when acting out of sessions, and to their protection in the discharge of such duties. These statutes have now been in force for five years, and the practical result of them is daily witnessed, in uniformity of procedure before magistrates; in the more speedy apprehension of offenders, and a due regard to their position as men under the imputation of crime; in the avoidance of technical difficulties, and the prevention of vexatious actions, to which gentlemen burthened with the commission of the peace were formerly exposed. It is to the statute framed for the latter object, namely, the protection to justices from vexatious actions, (11 & 12 Vict. c. 44), and to several decisions which have proceeded thereon, that we propose to call attention on the present occasion. Before the passing of this act, it is scarcely too much to say that magistrates were subject to legal proceedings for almost every slip which they might have committed, however free they might have been from evil intention in the matter, and however unimportant the defect. The wonder is, that any one could have been found willing to incur such responsibilities, especially when the office was exercised without any emolument

being attached to it. In nine cases out of ten the plaintiffs were paupers, and therefore, even if the magistrate was successful in obtaining a verdict, he generally had to pay his own costs.

But now, "for any act done by a justice in the execution of his duty with respect to any matter within his jurisdiction," he is liable only to an action on the case, in which it must be expressly alleged and proved that he did it maliciously, and without reasonable and probable cause, (sect. 1); and although, "for an act in a matter of which he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any conviction, &c. in any such matter," may maintain an action of trespass, as before the act, yet the conviction or order must first be quashed upon appeal, or upon application to the Court of Queen's Bench, (sect. 2). We have been particular in giving the very language of the two sections so far as it was material, especially as difficulties have arisen from the wording of them, which certainly is peculiar. First, the magistrate is protected, in the absence of malice, for any act done "with respect to any matter within his jurisdiction;" but then he is not so protected for any act done "in a matter in which he shall have exceeded his jurisdiction." Now, he might have a general jurisdiction over the matter, and so come literally within the 1st section, and yet the act done might be in excess of such jurisdiction, and so come within the 2nd section. It has, however, been held that the two sections must be read together, and that, in order to reconcile them, a limitation must be put upon the above part of the 2nd section, by confining it to cases where the very act complained of in the action is the one wherein the excess of jurisdiction consists, and that it is not enough that the act was done in a matter in which there was an excess of jurisdiction in other respects. The facts which led to this decision were these:—The defendant, a magistrate, had convicted the plaintiff of unlawful trading on a Sunday, and imposed a penalty, which was to be levied

by distress and sale. So far he acted quite rightly, but he exceeded his jurisdiction by ordering the plaintiff, in default of payment, to be set in the stocks, which, however, was never done, but the penalty was levied by distress. An action of trespass was brought, under the 2nd section, for seizing the goods; but the Court held that it was not maintainable, though it would have been otherwise if the plaintiff had been set in the stocks, and had brought his action for putting him into them. (*Barton v. Bricknell*, 15 Jur., part 1, p. 668; 20 L. J., M. C., 1; and see *Leary v. Patrick*, 14 Jur., part 1, p. 932; 19 L. J., M. C., 211). This construction gives full effect to the words that the action may be maintained at the suit of any person "injured" by the excess; and the learned author of the statute, in a later case, intimated that the words "exceeding jurisdiction," in the 2nd section, meant, assuming to do something which the act under which he was proceeding could by no possibility justify, as in the case of *Leary v. Patrick*, where there could have been no authority to issue a distress for costs not adjudged by the conviction; or as was the case in *Barton v. Bricknell*, in which there was no power to order the plaintiff to be put in the stocks. (*Ratt v. Parkinson*, 20 L. J., M. C., 208). To this class of cases may be referred *Newbould v. Colman*, (20 L. J., M. C., 149), in which the guardians of a union, improperly treating two distinct townships as one, made an order upon the overseers thereof for payment of a contribution towards the relief of the poor. The order having been disobeyed, the defendants, who were magistrates, issued a warrant, under which the plaintiff's goods were taken. It was held, first, that the statute under which the magistrates acted (2 & 3 Vict. c. 84) gave them a power similar to that exercised by them in enforcing a legal poor-rate; that the existence of a legal obligation to pay was a necessary preliminary condition to their having any authority to enforce payment; and that, if no such obligation existed, the magistrates had acted without jurisdiction, and were liable in trespass.

The result of the decisions appears to be, that if a magistrate exceed his jurisdiction in a matter over which he has a general jurisdiction, he is liable to an action, if the conviction or order be first quashed, and if the action be brought for the very act wherein the excess of jurisdiction consisted.

It will be observed that protection is given by the statute only where the justice acts in the execution of his duty as such justice. Under stat 24 Geo. 2, c. 44, requiring notice of action to be given to a justice for anything done by him "in the execution of his office," it was stated as a rule, that although the privilege could not be claimed where the act was altogether *alio intuitu*, yet if it were upon a matter within the general jurisdiction of justices of the peace, one who was in fact such would be presumed to have acted in that character, so as to entitle him to notice. Thus, a lord of a manor, who was also a justice of the peace, was held entitled to notice previous to an action brought against him for taking a gun in the house of an unqualified person, for it was intended that he acted as a justice of the peace according to the powers given by the act then in force, of 5 Ann. c. 14. (*Briggs v. Evelyn*, 2 H. Bl. 114; *Foley on Convictions*, 325, 3rd ed.)

THE decision of the House of Lords in *Egerton v. Lord Brownlow* (not yet reported) has been the theme of great eulogy in the journals of the day devoted to politics. We doubt whether it is equally surrounded with the approbation of lawyers. Of course, as the decision of the House of Lords, it is the law on the particular point decided in it, and it would be idle to question its validity. But if it be, as we think it is, founded on most weak and fallacious reasoning, it may not be useless to analyse that reasoning, for the purpose

of shewing, that, though a binding decision, it ought only to be followed just so far as it goes, and no further.

The principle of the decision seems simple enough, on the question of the condition being void as against the policy of the law. The House of Lords assumed—and it is not for us to contradict their Lordships on such a point—that, in fact and in practice, it is not the Crown, but the Minister of the day, who makes peers; and that, in fact and in practice, there is a tendency in a Minister to make a man a peer on account of his wealth; in other words, that to give to a man a large fortune on condition that if he does not become a peer it is to go from him, is to hold out an inducement to him to bribe, directly or indirectly, the Minister of the Crown for a peerage, and that the Minister of the Crown must be assumed to be bribable. The latter assumption is quite necessary to support their Lordships' reasoning, because, whatever might be said of the sense of a condition tending to induce a man to do something impossible, it could not be against the policy of the law. In order to bring the case within that doctrine, the inducement must be to do a thing assumed to be possible; and the question is, does the law assume a Minister of State to be capable of a criminal motive in a case where an honourable one is possible? As we read the reasoning of the House of Lords, their Lordships do take that to be an assumption of the law. Whether it is a good assumption, in the science of the political management of Legislatures, we do not inquire; but, as an assumption of the law of England, it is rather new. Nevertheless, it is a decision of the House of Lords.

#### PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 316).

#### THE SCHEDULE TO WHICH THIS ACT REFERS.

TABLE I.

The Values of an Annuity of £100 per Annum held on a single Life.

Years of Age.	Values.	Years of Age.	Values.	Years of Age.	Values.
£	s.	£	s.	£	s.
Birth	1892 8 6	32..	1619 0 6	64..	852 9 0
1..	1906 13 0	33..	1605 4 0	65..	821 12 6
2..	1919 2 0	34..	1590 9 6	66..	790 15 0
3..	1926 8 0	35..	1574 17 6	67..	761 19 0
4..	1928 16 0	36..	1558 9 6	68..	733 8 6
5..	1926 19 6	37..	1541 10 6	69..	706 4 0
6..	1921 12 0	38..	1524 0 0	70..	677 9 0
7..	1913 4 6	39..	1506 1 6	71..	650 8 0
8..	1902 16 6	40..	1487 10 0	72..	623 19 6
9..	1890 19 6	41..	1468 4 0	73..	597 7 6
10..	1878 3 0	42..	1447 11 6	74..	569 13 0
11..	1864 7 0	43..	1426 2 0	75..	541 0 6
12..	1849 12 0	44..	1403 10 0	76..	511 9 6
13..	1833 18 6	45..	1379 14 6	77..	477 17 0
14..	1817 7 6	46..	1354 16 6	78..	444 9 6
15..	1800 8 6	47..	1328 2 6	79..	412 9 6
16..	1783 13 0	48..	1300 9 6	80..	381 3 0
17..	1767 16 0	49..	1271 19 6	81..	350 14 6
18..	1753 5 6	50..	1242 19 6	82..	321 14 6
19..	1740 11 0	51..	1213 17 0	83..	292 10 0
20..	1729 9 6	52..	1185 14 0	84..	263 2 0
21..	1719 17 0	53..	1157 17 6	85..	234 18 6
22..	1713 1 0	54..	1130 13 0	86..	207 16 0
23..	1706 16 6	55..	1103 18 0	87..	184 11 6
24..	1700 11 6	56..	1077 10 0	88..	164 17 6
25..	1694 0 0	57..	1051 10 0	89..	148 7 0
26..	1686 14 6	58..	1025 10 0	90..	133 9 0
27..	1677 5 6	59..	999 1 0	91..	122 16 0
28..	1667 1 0	60..	972 1 0	92..	107 7 0
29..	1656 1 0	61..	943 15 6	93..	93 3 0
30..	1644 7 6	62..	914 2 0	94..	79 8 6
31..	1632 0 0	63..	883 6 0	95..	64 11 0

TABLE II.

The Values of an Annuity of £100 per Annum, held on the Joint Continuance of Two Lives.

<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>	<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>	<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>	<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>
		£ s. d.			£ s. d.			£ s. d.			£ s. d.
95	95	23 13 0	95	24	63 6 6	94	49	77 10 6	93	73	82 1 0
95	94	26 9 6	95	23	63 6 6	94	48	77 13 0	93	72	82 9 6
95	93	28 18 6	95	22	63 6 6	94	47	77 14 6	93	71	82 19 6
95	92	31 8 0	95	21	63 7 0	94	46	77 15 6	93	70	83 11 6
95	91	33 19 0	95	20	63 9 6	94	45	77 15 6	93	69	84 4 6
95	90	34 16 0	95	19	63 12 0	94	44	77 15 6	93	68	84 16 6
95	89	37 1 6	95	18	63 14 0	94	43	77 15 6	93	67	85 7 6
95	88	39 4 6	95	17	63 16 6	94	42	77 15 6	93	66	85 17 6
95	87	41 13 0	95	16	63 18 6	94	41	77 16 0	93	65	86 11 0
95	86	44 4 0	95	15	64 0 0	94	40	77 16 0	93	64	87 1 0
95	85	46 16 0	95	14	64 1 0	94	39	77 16 0	93	63	87 9 6
95	84	48 15 6	95	13	64 1 6	94	38	77 16 6	93	62	87 17 0
95	83	50 9 6	95	12	64 1 6	94	37	77 17 0	93	61	88 2 0
95	82	51 15 6	95	11	64 1 6	94	36	77 17 6	93	60	88 5 0
95	81	52 16 6	95	10	64 1 6	94	35	77 18 0	93	59	88 7 0
95	80	53 19 6	95	9	64 1 0	94	34	77 18 6	93	58	88 10 0
95	79	55 0 0	95	8	64 0 6	94	33	77 18 6	93	57	88 13 6
95	78	55 18 0	95	7	64 0 0	94	32	77 18 0	93	56	88 18 0
95	77	56 16 0	95	6	63 18 6	94	31	77 18 0	93	55	89 3 0
95	76	57 10 0	95	5	63 16 6	94	30	77 18 0	93	54	89 8 0
95	75	57 13 0	95	4	63 14 0	94	29	77 18 0	93	53	89 13 6
95	74	57 18 6	95	3	63 10 6	94	28	77 17 6	93	52	89 19 0
95	73	58 4 6	95	2	63 6 0	94	27	77 17 6	93	51	90 4 0
95	72	58 9 6	95	1	63 1 0	94	26	77 17 0	93	50	90 10 0
95	71	58 15 6	95	0	62 18 0	94	25	77 15 6	93	49	90 14 0
95	70	59 10 0				94	24	77 14 6	93	48	90 17 6
95	69	59 10 6	94	94	29 19 0	94	23	77 14 0	93	47	90 19 6
95	68	59 17 6	94	93	32 19 0	94	22	77 14 6	93	46	91 1 0
95	67	60 3 6	94	92	35 19 0	94	21	77 15 6	93	45	91 1 0
95	66	60 9 6	94	91	39 1 0	94	20	77 18 6	93	44	91 1 0
95	65	60 17 6	94	90	40 5 6	94	19	78 1 6	93	43	91 1 0
95	64	61 3 0	94	89	43 0 0	94	18	78 4 6	93	42	91 1 0
95	63	61 7 6	94	88	45 13 6	94	17	78 7 6	93	41	91 1 6
95	62	61 12 0	94	87	48 14 0	94	16	78 10 6	93	40	91 1 6
95	61	61 14 6	94	86	51 18 6	94	15	78 13 0	93	39	91 1 6
95	60	61 15 6	94	85	55 5 0	94	14	78 14 6	93	38	91 2 0
95	59	61 17 0	94	84	57 17 6	94	13	78 15 6	93	37	91 3 0
95	58	61 18 6	94	83	60 3 0	94	12	78 15 6	93	36	91 3 6
95	57	62 1 0	94	82	61 18 0	94	11	78 15 6	93	35	91 4 0
95	56	62 3 6	94	81	63 7 0	94	10	78 15 0	93	34	91 4 6
95	55	62 6 6	94	80	64 17 6	94	9	78 14 6	93	33	91 4 6
95	54	62 9 6	94	79	66 5 0	94	8	78 14 0	93	32	91 4 0
95	53	62 12 6	94	78	67 9 6	94	7	78 13 0	93	31	91 4 0
95	52	62 15 6	94	77	68 13 6	94	6	78 11 6	93	30	91 4 0
95	51	62 18 6	94	76	69 13 6	94	5	78 8 6	93	29	91 4 0
95	50	63 2 0	94	75	69 19 0	94	4	78 5 0	93	28	91 3 6
95	49	63 4 0	94	74	70 6 6	94	3	78 0 6	93	27	91 3 6
95	48	63 5 6	94	73	70 14 6	94	2	77 14 6	93	26	91 3 0
95	47	63 6 6	94	72	71 1 6	94	1	77 8 0	93	25	91 1 0
95	46	63 7 6	94	71	71 9 6	94	0	77 4 0	93	24	91 0 0
95	45	63 7 0	94	70	71 19 0				93	23	90 19 6
95	44	63 7 0	94	69	72 9 0	93	93	36 8 6	93	22	90 19 6
95	43	63 7 6	94	68	72 18 6	93	92	39 18 0	93	21	91 0 6
95	42	63 7 6	94	67	73 7 6	93	91	43 9 6	93	20	91 4 6
95	41	63 7 6	94	66	73 15 6	93	90	44 19 6	93	19	91 8 0
95	40	63 7 6	94	65	74 6 0	93	89	48 2 6	93	18	91 12 0
95	39	63 7 6	94	64	74 14 0	93	88	51 5 0	93	17	91 16 0
95	38	63 8 0	94	63	75 0 6	93	87	54 16 0	93	16	91 19 6
95	37	63 8 6	94	62	75 6 0	93	86	58 12 6	93	15	92 3 0
95	36	63 9 0	94	61	75 10 0	93	85	62 12 0	93	14	92 5 0
95	35	63 9 0	94	60	75 12 0	93	84	65 17 0	93	13	92 6 0
95	34	63 9 6	94	59	75 13 6	93	83	68 13 6	93	12	92 6 6
95	33	63 9 0	94	58	75 16 0	93	82	70 17 6	93	11	92 6 0
95	32	63 9 0	94	57	75 19 0	93	81	72 14 0	93	10	92 6 0
95	31	63 9 0	94	56	76 2 0	93	80	74 12 0	93	9	92 5 6
95	30	63 9 0	94	55	76 6 0	93	79	76 6 6	93	8	92 4 6
95	29	63 9 0	94	54	76 10 6	93	78	77 17 0	93	7	92 3 6
95	28	63 9 0	94	53	76 14 6	93	77	79 7 6	93	6	92 1 6
95	27	63 8 6	94	52	76 19 0	93	76	80 12 6	93	5	91 18 0
95	26	63 8 6	94	51	77 3 0	93	75	81 1 0	93	4	91 13 6
95	25	63 7 0	94	50	77 7 6	93	74	81 11 0	93	3	91 8 0

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
93	2	91	0	6	92	22	104	13	0	91	41	119	13	0	90	59	125	0	0
93	1	90	12	6	92	21	104	14	0	91	40	119	12	6	90	58	125	5	0
93	0	90	7	0	92	20	104	18	6	91	39	119	13	0	90	57	125	11	0
92	92	43	16	6	92	19	105	3	0	91	38	119	13	6	90	56	125	18	0
92	91	47	17	6	92	18	105	7	6	91	37	119	15	0	90	55	126	6	6
92	90	49	13	6	92	17	105	12	6	91	36	119	16	0	90	54	126	15	0
92	89	53	5	0	92	16	105	17	0	91	35	119	17	0	90	53	127	4	0
92	88	56	16	6	92	15	106	1	0	91	34	119	17	6	90	52	127	13	6
92	87	60	18	6	92	14	106	4	0	91	33	119	17	6	90	51	128	2	6
92	86	65	6	6	92	13	106	5	6	91	32	119	17	0	90	50	128	12	6
92	85	69	19	6	92	12	106	6	0	91	31	119	17	0	90	49	129	0	6
92	84	73	16	6	92	11	106	6	0	91	30	119	17	0	90	48	129	6	6
92	83	77	4	0	92	10	106	5	6	91	29	119	16	6	90	47	129	10	6
92	82	79	18	0	92	9	106	5	0	91	28	119	16	6	90	46	129	13	6
92	81	82	2	6	92	8	106	4	0	91	27	119	16	0	90	45	129	14	0
92	80	84	8	0	92	7	106	2	6	91	26	119	15	6	90	44	129	14	6
92	79	86	10	0	92	6	106	0	6	91	25	119	13	0	90	43	129	15	0
92	78	88	7	6	92	5	105	16	6	91	24	119	11	0	90	42	129	15	0
92	77	90	4	6	92	4	105	11	0	91	23	119	10	0	90	41	129	15	6
92	76	91	15	0	92	3	105	4	0	91	22	119	10	0	90	40	129	15	6
92	75	92	7	0	92	2	104	15	0	91	21	119	11	6	90	39	129	16	0
92	74	93	0	0	92	1	104	5	0	91	20	119	16	6	90	38	129	16	6
92	73	93	12	0	92	0	103	18	0	91	19	120	2	0	90	37	129	18	0
92	72	94	3	0	91	91	52	9	6	91	18	120	7	6	90	36	129	19	0
92	71	94	15	0	91	90	54	11	0	91	17	120	13	6	90	35	130	0	0
92	70	95	9	6	91	89	58	11	6	91	16	120	19	0	90	34	130	1	0
92	69	96	5	0	91	88	62	13	6	91	15	121	4	0	90	33	130	1	0
92	68	96	19	6	91	87	67	6	6	91	14	121	7	6	90	32	130	0	6
92	67	97	13	0	91	86	72	7	6	91	13	121	9	6	90	31	130	0	6
92	66	98	6	0	91	85	77	14	6	91	12	121	10	6	90	30	130	0	0
92	65	99	2	0	91	84	82	5	0	91	11	121	10	6	90	29	130	0	0
92	64	99	14	6	91	83	86	5	0	91	10	121	10	0	90	28	130	0	0
92	63	100	5	0	91	82	89	9	6	91	9	121	9	0	90	27	129	19	6
92	62	100	14	6	91	81	92	3	0	91	8	121	8	6	90	26	129	19	0
92	61	101	1	0	91	80	94	17	6	91	7	121	6	6	90	25	129	16	0
92	60	101	5	0	91	79	97	7	6	91	6	121	4	0	90	24	129	14	0
92	59	101	8	0	91	78	99	12	6	91	5	120	19	0	90	23	129	13	0
92	58	101	11	6	91	77	101	17	0	91	4	120	12	6	90	22	129	12	6
92	57	101	16	0	91	76	103	14	0	91	3	120	4	6	90	21	129	14	0
92	56	102	1	0	91	75	104	10	0	91	2	119	14	0	90	20	129	19	6
92	55	102	7	0	91	74	105	6	0	91	1	119	2	0	90	19	130	5	6
92	54	102	13	6	91	73	106	1	0	91	0	118	13	0	90	18	130	12	0
92	53	103	0	0	91	72	106	14	0	90	90	56	17	6	90	17	130	19	0
92	52	103	6	6	91	71	107	8	6	90	89	61	3	6	90	16	131	5	6
92	51	103	13	0	91	70	108	6	0	90	88	65	11	6	90	15	131	11	0
92	50	104	0	0	91	69	109	4	6	90	87	70	12	0	90	14	131	15	6
92	49	104	5	6	91	68	110	2	0	90	86	76	2	0	90	13	131	18	0
92	48	104	9	6	91	67	110	18	6	90	85	81	19	0	90	12	131	19	0
92	47	104	12	6	91	66	111	14	0	90	84	86	19	6	90	11	131	19	0
92	46	104	14	0	91	65	112	13	0	90	83	91	9	0	90	10	131	18	6
92	45	104	14	6	91	64	113	8	6	90	82	95	2	0	90	9	131	18	0
92	44	104	14	6	91	63	114	2	0	90	81	98	3	0	90	8	131	17	0
92	43	104	14	6	91	62	114	13	6	90	80	101	4	6	90	7	131	15	0
92	42	104	15	0	91	61	115	1	6	90	79	104	1	0	90	6	131	12	0
92	41	104	15	0	91	60	115	6	6	90	78	106	12	6	90	5	131	6	6
92	40	104	15	0	91	59	115	10	6	90	77	109	3	0	90	4	130	19	6
92	39	104	15	6	91	58	115	15	0	90	76	111	5	6	90	3	130	10	0
92	38	104	16	0	91	57	116	0	0	90	75	112	5	6	90	2	129	18	0
92	37	104	17	0	91	56	116	6	0	90	74	113	4	0	90	1	129	4	6
92	36	104	17	6	91	55	116	13	6	90	73	114	1	6	90	0	128	14	0
92	35	104	18	6	91	54	117	1	0	90	72	114	17	0	89	89	65	18	0
92	34	104	19	0	91	53	117	9	0	90	71	115	13	6	89	88	70	14	6
92	33	104	19	0	91	52	117	17	6	90	70	116	13	0	89	87	76	5	0
92	32	104	18	6	91	51	118	5	0	90	69	117	14	0	89	86	82	6	6
92	31	104	18	6	91	50	118	13	6	90	68	118	14	0	89	85	88	16	6
92	30	104	18	6	91	49	119	0	6	90	67	119	13	0	89	84	94	9	6
92	29	104	18	0	91	48	119	5	6	90	66	120	10	6	89	83	99	10	6
92	28	104	18	0	91	47	119	9	0	90	65	121	12	6	89	82	103	14	6
92	27	104	17	6	91	46	119	11	6	90	64	122	10	6	89	81	107	4	6
92	26	104	17	0	91	45	119	12	0	90	63	123	6	0	89	80	110	15	0
92	25	104	15	0	91	44	119	12	0	90	62	123	19	6	89	79	114	0	0
92	24	104	13	6	91	43	119	12	6	90	61	124	9	0	89	78	116	19	6
92	23	104	13	0	91	42	119	12	6	90	60	124	15	6	89	77	119	17	0

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
89	76	122	7	0	89	2	144	5	6	88	18	160	17	6	87	33	179	1	0
89	75	123	11	0	89	1	143	10	0	88	17	161	7	0	87	32	179	0	6
89	74	124	13	6	89	0	142	17	6	88	16	161	15	6	87	31	179	0	6
89	73	125	14	0						88	15	162	3	6	87	30	179	0	0
89	72	126	12	0	88	88	76	1	0	88	14	162	10	0	87	29	179	0	0
89	71	127	11	6	88	87	82	2	6	88	13	162	14	0	87	28	178	19	6
89	70	128	13	6	88	86	88	17	6	88	12	162	15	6	87	27	178	19	0
89	69	129	17	6	88	85	96	1	6	88	11	162	16	0	87	26	178	18	0
89	68	131	1	0	88	84	102	8	6	88	10	162	16	0	87	25	178	13	6
89	67	132	3	0	88	83	108	3	0	88	9	162	15	0	87	24	178	10	6
89	66	133	3	6	88	82	112	18	6	88	8	162	13	6	87	23	178	8	6
89	65	134	9	0	88	81	116	19	6	88	7	162	11	6	87	22	178	8	6
89	64	135	10	0	88	80	121	0	0	88	6	162	7	6	87	21	178	10	0
89	63	136	8	0	88	79	124	14	6	88	5	162	0	6	87	20	178	17	6
89	62	137	4	0	88	78	128	3	0	88	4	161	11	0	87	19	179	6	6
89	61	137	15	6	88	77	131	9	6	88	3	160	19	0	87	18	179	16	0
89	60	138	3	0	88	76	134	7	6	88	2	160	3	6	87	17	180	7	0
89	59	138	8	6	88	75	135	16	6	88	1	159	5	6	87	16	180	17	0
89	58	138	15	0	88	74	137	3	6	88	0	158	11	0	87	15	181	6	6
89	57	139	2	0	88	73	138	7	6						87	14	181	14	0
89	56	139	10	0	88	72	139	8	6	87	87	88	18	0	87	13	181	19	0
89	55	139	19	6	88	71	140	11	0	87	86	96	7	6	87	12	182	1	6
89	54	140	9	6	88	70	141	17	0	87	85	104	9	0	87	11	182	2	0
89	53	141	0	0	88	69	143	4	6	87	84	111	12	6	87	10	182	2	0
89	52	141	11	0	88	68	144	11	6	87	83	118	3	0	87	9	182	1	0
89	51	142	1	6	88	67	145	17	0	87	82	123	13	0	87	8	181	19	6
89	50	142	13	0	88	66	147	1	0	87	81	128	6	6	87	7	181	17	0
89	49	143	2	0	88	65	148	10	0	87	80	132	19	6	87	6	181	12	6
89	48	143	9	6	88	64	149	14	6	87	79	137	5	6	87	5	181	4	6
89	47	143	14	6	88	63	150	15	6	87	78	141	5	0	87	4	180	14	0
89	46	143	18	6	88	62	151	14	6	87	77	145	2	0	87	3	179	19	6
89	45	143	19	6	88	61	152	8	6	87	76	148	9	6	87	2	179	1	6
89	44	144	0	0	88	60	152	17	6	87	75	150	5	6	87	1	178	1	0
89	43	144	0	6	88	59	153	4	6	87	74	151	17	6	87	0	177	4	0
89	42	144	0	6	88	58	153	12	0	87	73	153	6	6					
89	41	144	1	6	88	57	154	0	0	87	72	154	11	6	86	86	104	15	0
89	40	144	1	0	88	56	154	9	6	87	71	155	17	6	86	85	113	16	6
89	39	144	1	6	88	55	155	0	6	87	70	157	7	6	86	84	121	19	6
89	38	144	2	6	88	54	155	12	0	87	69	158	19	6	86	83	129	9	0
89	37	144	3	6	88	53	156	4	6	87	68	160	11	0	86	82	135	16	0
89	36	144	5	0	88	52	156	17	0	87	67	162	0	6	86	81	141	5	0
89	35	144	6	6	88	51	157	9	0	87	66	163	9	0	86	80	146	12	6
89	34	144	7	0	88	50	158	2	6	87	65	165	2	6	86	79	151	13	6
89	33	144	7	6	88	49	158	13	6	87	64	166	11	6	86	78	156	6	0
89	32	144	7	0	88	48	159	2	0	87	63	167	16	6	86	77	160	16	0
89	31	144	7	0	88	47	159	8	6	87	62	168	19	0	86	76	164	15	6
89	30	144	6	6	88	46	159	13	0	87	61	169	15	6	86	75	166	19	0
89	29	144	6	6	88	45	159	14	6	87	60	170	7	0	86	74	168	18	0
89	28	144	6	0	88	44	159	15	6	87	59	170	15	6	86	73	170	12	6
89	27	144	5	6	88	43	159	16	0	87	58	171	4	6	86	72	172	2	6
89	26	144	5	0	88	42	159	16	6	87	57	171	14	0	86	71	173	13	6
89	25	144	1	6	88	41	159	17	0	87	56	172	5	0	86	70	175	8	6
89	24	143	19	6	88	40	159	17	0	87	55	172	17	6	86	69	177	6	0
89	23	143	18	0	88	39	159	17	6	87	54	173	11	6	86	68	179	3	0
89	22	143	18	0	88	38	159	18	0	87	53	174	5	6	86	67	180	18	0
89	21	143	19	6	88	37	160	0	0	87	52	175	0	6	86	66	182	11	6
89	20	144	5	6	88	36	160	1	6	87	51	175	14	6	86	65	184	11	0
89	19	144	12	6	88	35	160	3	0	87	50	176	10	0	86	64	186	5	0
89	18	144	19	6	88	34	160	4	0	87	49	177	3	6	86	63	187	15	0
89	17	145	7	6	88	33	160	4	0	87	48	177	13	6	86	62	189	1	6
89	16	145	15	0	88	32	160	4	0	87	47	178	1	6	86	61	190	2	0
89	15	146	2	0	88	31	160	3	6	87	46	178	7	0	86	60	190	16	0
89	14	146	7	0	88	30	160	3	6	87	45	178	9	0	86	59	191	6	6
89	13	146	10	6	88	29	160	3	0	87	44	178	10	6	86	58	191	17	6
89	12	146	11	6	88	28	160	3	0	87	43	178	11	0	86	57	192	9	0
89	11	146	12	0	88	27	160	2	6	87	42	178	11	6	86	56	193	1	6
89	10	146	11	6	88	26	160	1	6	87	41	178	12	6	86	55	193	16	6
89	9	146	10	6	88	25	159	18	0	87	40	178	12	6	86	54	194	12	6
89	8	146	9	6	88	24	159	15	0	87	39	178	13	0	86	53	195	9	6
89	7	146	7	6	88	23	159	13	6	87	38	178	14	0	86	52	196	7	0
89	6	146	4	0	88	22	159	13	6	87	37	178	15	6	86	51	197	4	0
89	5	145	18	0	88	21	159	15	0	87	36	178	17	6	86	50	198	2	0
89	4	145	10	0	88	20	160	1	6	87	35	178	19	6	86	49	198	18	0
89	3	144	19	0	88	19	160	9	6	87	34	179	0	6	86	48	199	10	6

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
86	47	200	0	0	85	60	214	9	0	84	72	212	6	0	83	83	164	10	0
86	46	200	7	0	85	59	215	2	6	84	71	214	9	6	83	82	174	2	6
86	45	200	9	6	85	58	215	15	6	84	70	216	17	6	83	81	182	11	0
86	44	200	11	6	85	57	216	9	0	84	69	219	9	0	83	80	190	16	6
86	43	200	12	6	85	56	217	4	6	84	68	222	0	0	83	79	198	13	0
86	42	200	13	6	85	55	218	2	0	84	67	224	9	0	83	78	205	19	0
86	41	200	14	6	85	54	219	1	0	84	66	226	15	6	83	77	213	1	0
86	40	200	14	0	85	53	220	1	0	84	65	229	10	0	83	76	219	9	0
86	39	200	15	0	85	52	221	1	6	84	64	231	18	0	83	75	223	8	6
86	38	200	16	0	85	51	222	2	0	84	63	234	1	0	83	74	226	17	6
86	37	200	18	0	85	50	223	3	6	84	62	235	19	6	83	73	229	17	6
86	36	201	0	6	85	49	224	2	6	84	61	237	9	6	83	72	232	9	0
86	35	201	2	6	85	48	224	18	0	84	60	238	11	6	83	71	235	0	6
86	34	201	3	6	85	47	225	9	6	84	59	239	8	0	83	70	237	16	6
86	33	201	4	6	85	46	225	18	0	84	58	240	4	0	83	69	240	16	0
86	32	201	4	0	85	45	226	2	0	84	57	241	0	6	83	68	243	15	0
86	31	201	3	6	85	44	226	4	6	84	56	241	18	6	83	67	246	12	6
86	30	201	3	6	85	43	226	6	0	84	55	242	19	6	83	66	249	7	0
86	29	201	3	0	85	42	226	7	0	84	54	244	1	6	83	65	252	10	0
86	28	201	3	0	85	41	226	8	6	84	53	245	5	0	83	64	255	6	6
86	27	201	2	0	85	40	226	8	6	84	52	246	9	6	83	63	257	17	0
86	26	201	1	0	85	39	226	9	0	84	51	247	13	0	83	62	260	3	0
86	25	200	16	6	85	38	226	10	6	84	50	248	19	0	83	61	261	19	0
86	24	200	12	6	85	37	226	13	0	84	49	250	1	6	83	60	263	6	0
86	23	200	10	6	85	36	226	15	6	84	48	251	0	0	83	59	264	6	6
86	22	200	9	6	85	35	226	18	0	84	47	251	14	6	83	58	265	6	0
86	21	200	11	6	85	34	226	19	6	84	46	252	5	0	83	57	266	5	6
86	20	201	0	0	85	33	227	0	6	84	45	252	10	6	83	56	267	6	6
86	19	201	10	0	85	32	227	0	6	84	44	252	14	0	83	55	268	11	0
86	18	202	1	6	85	31	227	0	0	84	43	252	16	0	83	54	269	16	6
86	17	202	14	0	85	30	226	19	6	84	42	252	17	6	83	53	271	4	0
86	16	203	6	0	85	29	226	19	6	84	41	252	19	0	83	52	272	12	6
86	15	203	17	6	85	28	226	19	0	84	40	252	19	0	83	51	274	0	6
86	14	204	6	6	85	27	226	18	0	84	39	253	0	0	83	50	275	11	0
86	13	204	12	6	85	26	226	16	6	84	38	253	1	6	83	49	276	17	6
86	12	204	15	6	85	25	226	11	6	84	37	253	4	6	83	48	277	19	6
86	11	204	17	0	85	24	226	7	0	84	36	253	7	6	83	47	278	17	0
86	10	204	17	0	85	23	226	4	0	84	35	253	10	0	83	46	279	10	6
86	9	204	16	0	85	22	226	3	6	84	34	253	12	0	83	45	279	17	6
86	8	204	14	6	85	21	226	5	0	84	33	253	13	0	83	44	280	2	0
86	7	204	11	6	85	20	226	15	0	84	32	253	13	6	83	43	280	5	0
86	6	204	6	0	85	19	227	6	6	84	31	253	13	0	83	42	280	7	0
86	5	203	17	6	85	18	227	19	6	84	30	253	12	6	83	41	280	9	0
86	4	203	4	6	85	17	228	14	6	84	29	253	12	0	83	40	280	9	6
86	3	202	8	0	85	16	229	9	0	84	28	253	11	6	83	39	280	10	6
86	2	201	7	6	85	15	230	2	6	84	27	253	10	6	83	38	280	12	0
86	1	200	3	0	85	14	230	13	6	84	26	253	9	6	83	37	280	15	6
86	0	199	2	6	85	13	231	1	0	84	25	253	3	0	83	36	280	18	6
85	85	124	1	0	85	12	231	5	6	84	24	252	18	0	83	35	281	2	0
85	84	133	6	6	85	11	231	7	0	84	23	252	14	6	83	34	281	4	6
85	83	141	18	6	85	10	231	7	6	84	22	252	13	6	83	33	281	6	0
85	82	149	6	0	85	9	231	6	6	84	21	252	15	6	83	32	281	6	0
85	81	155	13	6	85	8	231	4	6	84	20	253	6	0	83	31	281	5	6
85	80	161	19	0	85	7	231	1	0	84	19	253	19	6	83	30	281	5	6
85	79	167	16	6	85	6	230	15	0	84	18	254	14	6	83	29	281	5	0
85	78	173	5	6	85	5	230	5	0	84	17	255	12	0	83	28	281	4	6
85	77	178	11	0	85	4	229	10	6	84	16	256	9	0	83	27	281	3	6
85	76	183	5	0	85	3	228	11	0	84	15	257	5	0	83	26	281	1	6
85	75	185	19	0	85	2	227	7	0	84	14	257	18	6	83	25	280	15	0
85	74	188	6	6	85	1	225	18	0	84	13	258	8	0	83	24	280	9	0
85	73	190	8	0	85	0	224	14	0	84	12	258	13	6	83	23	280	5	0
85	72	192	4	6	84	84	143	16	0	84	11	258	16	0	83	22	280	3	6
85	71	194	1	6	84	83	153	11	0	84	10	258	16	6	83	21	280	5	0
85	70	196	2	6	84	82	162	0	6	84	9	258	16	0	83	20	280	17	0
85	69	198	6	6	84	81	169	7	6	84	8	258	14	0	83	19	281	12	0
85	68	200	10	0	84	80	176	12	6	84	7	258	10	0	83	18	282	9	6
85	67	202	11	6	84	79	183	9	0	84	6	258	3	0	83	17	283	9	6
85	66	204	11	0	84	78	189	15	6	84	5	257	11	6	83	16	284	9	6
85	65	206	17	6	84	77	195	18	6	84	4	256	14	6	83	15	285	8	6
85	64	208	18	6	84	76	201	8	6	84	3	255	12	6	83	14	286	4	0
85	63	210	14	6	84	75	204	14	6	84	2	254	4	0	83	13	286	16	0
85	62	212	6	6	84	74	207	12	0	84	1	252	10	6	83	12	287	3	0
85	61	213	11	0	84	73	210	2	6	84	0	251	2	0	83	11	287	6	6
															83	10	287	8	0



Age of the Elder Lives.	Age of the Younger Lives.	Values of the Annuities.			Age of the Elder Lives.	Age of the Younger Lives.	Values of the Annuities.			Age of the Elder Lives.	Age of the Younger Lives.	Values of the Annuities.			Age of the Elder Lives.	Age of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
83	9	287	7	0	82	19	308	18	0	81	28	335	9	6	80	36	363	1	0
83	8	287	5	6	82	18	309	17	6	81	27	335	8	0	80	35	363	6	0
83	7	287	1	0	82	17	311	0	6	81	26	335	6	0	80	34	363	10	0
83	6	286	13	6	82	16	312	3	6	81	25	334	17	6	80	33	363	12	0
83	5	286	0	0	82	15	313	5	6	81	24	334	10	6	80	32	363	13	0
83	4	285	1	0	82	14	314	4	0	81	23	334	5	0	80	31	363	13	0
83	3	283	15	6	82	13	314	18	0	81	22	334	2	0	80	30	363	13	0
83	2	282	3	0	82	12	315	7	0	81	21	334	4	0	80	29	363	12	6
83	1	280	4	0	82	11	315	12	0	81	20	334	17	6	80	28	363	12	0
83	0	278	10	6	82	10	315	14	0	81	19	335	16	0	80	27	363	10	6
					82	9	315	14	0	81	18	336	18	0	80	26	363	8	0
82	82	184	16	6	82	8	315	12	0	81	17	338	3	0	80	25	362	19	0
82	81	194	6	6	82	7	315	7	6	81	16	339	9	6	80	24	362	11	0
82	80	203	13	6	82	6	314	19	0	81	15	340	15	0	80	23	362	5	0
82	79	212	11	0	82	5	314	4	0	81	14	341	16	6	80	22	362	1	6
82	78	220	16	6	82	4	313	2	6	81	13	342	13	6	80	21	362	3	0
82	77	228	18	0	82	3	311	13	6	81	12	343	4	6	80	20	362	18	0
82	76	236	4	6	82	2	309	16	6	81	11	343	11	0	80	19	363	17	6
82	75	240	18	6	82	1	307	12	6	81	10	343	14	0	80	18	365	2	0
82	74	245	0	6	82	0	305	13	6	81	9	343	14	0	80	17	366	10	0
82	73	248	11	6						81	8	343	12	6	80	16	367	19	6
82	72	251	12	6	81	81	204	17	6	81	7	343	7	6	80	15	369	8	6
82	71	254	12	6	81	80	215	5	6	81	6	342	18	0	80	14	370	13	6
82	70	257	16	6	81	79	225	3	6	81	5	342	2	0	80	13	371	13	0
82	69	261	4	6	81	78	234	9	0	81	4	340	18	0	80	12	372	6	6
82	68	264	12	6	81	77	243	10	6	81	3	339	5	6	80	11	372	15	0
82	67	267	18	6	81	76	251	16	0	81	2	337	4	6	80	10	372	19	0
82	66	271	1	6	81	75	257	6	0	81	1	334	14	6	80	9	373	0	6
82	65	274	14	0	81	74	262	1	0	81	0	332	10	0	80	8	372	19	0
82	64	277	19	0	81	73	266	4	0						80	7	372	14	0
82	63	280	18	0	81	72	269	15	0	80	80	226	15	0	80	6	372	4	0
82	62	283	12	0	81	71	273	4	6	80	79	237	14	0	80	5	371	6	0
82	61	285	14	6	81	70	276	18	0	80	78	248	0	6	80	4	369	19	6
82	60	287	7	0	81	69	280	14	6	80	77	258	3	0	80	3	368	3	6
82	59	288	12	0	81	68	284	11	6	80	76	267	8	6	80	2	365	17	6
82	58	289	16	0	81	67	288	6	6	80	75	273	15	0	80	1	363	2	0
82	57	290	19	0	81	66	291	18	6	80	74	279	5	0	80	0	360	11	6
82	56	292	3	6	81	65	296	1	0	80	73	284	1	0					
82	55	293	11	6	81	64	299	15	0	80	72	288	3	6	79	79	249	14	6
82	54	295	1	0	81	63	303	3	0	80	71	292	3	0	79	78	261	2	6
82	53	296	12	6	81	62	306	5	6	80	70	296	6	6	79	77	272	6	6
82	52	298	5	6	81	61	308	15	6	80	69	300	13	0	79	76	282	12	6
82	51	299	18	0	81	60	310	14	0	80	68	305	0	0	79	75	289	16	6
82	50	301	13	0	81	59	312	4	6	80	67	309	4	6	79	74	296	2	0
82	49	303	4	6	81	58	313	12	6	80	66	313	6	0	79	73	301	12	0
82	48	304	10	6	81	57	314	19	6	80	65	317	18	6	79	72	306	7	0
82	47	305	11	6	81	56	316	8	0	80	64	322	3	0	79	71	310	18	0
82	46	306	8	0	81	55	318	0	0	80	63	326	1	0	79	70	315	12	0
82	45	306	17	0	81	54	319	14	0	80	62	329	12	6	79	69	320	10	0
82	44	307	3	0	81	53	321	9	6	80	61	332	10	6	79	68	325	7	0
82	43	307	7	0	81	52	323	7	6	80	60	334	16	0	79	67	330	2	0
82	42	307	9	6	81	51	325	4	6	80	59	336	12	0	79	66	334	14	0
82	41	307	12	0	81	50	327	4	6	80	58	338	5	6	79	65	339	17	6
82	40	307	13	0	81	49	329	0	6	80	57	339	17	0	79	64	344	13	0
82	39	307	14	0	81	48	330	11	6	80	56	341	10	0	79	63	349	1	0
82	38	307	16	0	81	47	331	16	0	80	55	343	6	6	79	62	353	2	0
82	37	307	19	6	81	46	332	16	0	80	54	345	5	0	79	61	356	9	0
82	36	308	3	6	81	45	333	7	0	80	53	347	5	6	79	60	359	2	6
82	35	308	7	6	81	44	333	15	0	80	52	349	8	0	79	59	361	5	0
82	34	308	10	6	81	43	334	0	6	80	51	351	10	6	79	58	363	4	0
82	33	308	12	0	81	42	334	4	0	80	50	353	16	0	79	57	365	1	0
82	32	308	12	6	81	41	334	7	0	80	49	355	17	6	79	56	366	19	0
82	31	308	12	0	81	40	334	8	0	80	48	357	13	0	79	55	369	0	0
82	30	308	12	0	81	39	334	9	6	80	47	359	2	0	79	54	371	3	6
82	29	308	11	6	81	38	334	12	0	80	46	360	5	6	79	53	373	9	6
82	28	308	10	6	81	37	334	16	0	80	45	360	19	6	79	52	375	17	6
82	27	308	9	6	81	36	335	0	6	80	44	361	9	6	79	51	378	5	6
82	26	308	7	6	81	35	335	5	0	80	43	361	16	6	79	50	380	17	0
82	25	308	0	0	81	34	335	8	0	80	42	362	1	6	79	49	383	4	0
82	24	307	13	6	81	33	335	10	0	80	41	362	5	6	79	48	385	5	0
82	23	307	9	0	81	32	335	11	0	80	40	362	7	0	79	47	386	18	6
82	22	307	6	6	81	31	335	10	6	80	39	362	9	0	79	46	388	6	0
82	21	307	8	6	81	30	335	10	6	80	38	362	12	0	79	45	389	3	6
82	20	308	1	6	81	29	335	10	0	80	37	362	16	0	79	44	389	16	0

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.	
		£	s. d.			£	s. d.			£	s. d.			£	s. d.
79	43	390	5 0	78	49	410	16 0	77	54	424	4 0	76	58	439	2 0
79	42	390	11 0	78	48	413	2 6	77	53	427	1 6	76	57	441	18 6
79	41	390	16 6	78	47	415	1 6	77	52	430	1 6	76	56	444	15 0
79	40	390	18 6	78	46	416	13 6	77	51	433	2 0	76	55	447	14 6
79	39	391	1 0	78	45	417	14 6	77	50	436	6 0	76	54	450	16 0
79	38	391	4 6	78	44	418	10 0	77	49	439	5 6	76	53	454	0 6
79	37	391	9 6	78	43	419	1 6	77	48	441	18 6	76	52	457	7 0
79	36	391	15 0	78	42	419	9 0	77	47	444	3 6	76	51	460	14 0
79	35	392	0 6	78	41	419	16 0	77	46	446	0 0	76	50	464	5 6
79	34	392	4 6	78	40	419	19 0	77	45	447	5 0	76	49	467	12 0
79	33	392	7 6	78	39	420	2 0	77	44	448	4 0	76	48	470	11 6
79	32	392	8 6	78	38	420	6 0	77	43	448	18 0	76	47	473	2 0
79	31	392	9 0	78	37	420	11 6	77	42	449	8 0	76	46	475	4 6
79	30	392	9 0	78	36	420	17 6	77	41	449	16 6	76	45	476	13 6
79	29	392	8 6	78	35	421	4 0	77	40	450	0 6	76	44	477	16 6
79	28	392	8 0	78	34	421	9 0	77	39	450	4 6	76	43	478	13 6
79	27	392	6 6	78	33	421	12 0	77	38	450	9 6	76	42	479	6 0
79	26	392	4 0	78	32	421	13 6	77	37	450	16 0	76	41	479	16 0
79	25	391	14 0	78	31	421	14 0	77	36	451	2 6	76	40	480	1 6
79	24	391	5 0	78	30	421	14 0	77	35	451	9 6	76	39	480	7 0
79	23	390	18 0	78	29	421	14 0	77	34	451	15 0	76	38	480	12 6
79	22	390	14 6	78	28	421	13 6	77	33	451	19 0	76	37	481	0 0
79	21	390	15 6	78	27	421	11 6	77	32	452	0 6	76	36	481	7 6
79	20	391	11 6	78	26	421	9 0	77	31	452	1 6	76	35	481	15 0
79	19	392	12 6	78	25	420	18 6	77	30	452	1 6	76	34	482	1 6
79	18	393	19 0	78	24	420	8 6	77	29	452	1 6	76	33	482	6 0
79	17	395	10 6	78	23	420	1 0	77	28	452	1 0	76	32	482	8 0
79	16	397	3 6	78	22	419	16 6	77	27	451	19 6	76	31	482	9 0
79	15	398	16 0	78	21	419	17 6	77	26	451	16 6	76	30	482	9 6
79	14	400	4 6	78	20	420	14 0	77	25	451	5 0	76	29	482	10 0
79	13	401	7 0	78	19	421	17 0	77	24	450	14 0	76	28	482	9 0
79	12	402	3 6	78	18	423	6 0	77	23	450	5 6	76	27	482	7 6
79	11	402	13 6	78	17	425	0 0	77	22	450	0 6	76	26	482	4 6
79	10	402	19 6	78	16	426	16 6	77	21	450	1 6	76	25	481	12 0
79	9	403	1 6	78	15	428	12 6	77	20	450	19 0	76	24	481	0 6
79	8	403	1 0	78	14	430	5 0	77	19	452	3 6	76	23	480	11 0
79	7	402	15 6	78	13	431	11 6	77	18	453	14 6	76	22	480	5 6
79	6	402	5 0	78	12	432	10 6	77	17	455	12 0	76	21	480	6 0
79	5	401	5 6	78	11	433	3 0	77	16	457	12 0	76	20	481	4 6
79	4	399	16 6	78	10	433	10 6	77	15	459	12 6	76	19	482	10 6
79	3	397	17 0	78	9	433	14 0	77	14	461	8 6	76	18	484	4 0
79	2	395	6 0	78	8	433	14 0	77	13	462	18 6	76	17	486	4 6
79	1	392	4 0	78	7	433	9 0	77	12	464	0 6	76	16	488	8 6
79	0	389	7 6	78	6	432	17 6	77	11	464	16 0	76	15	490	12 6
				78	5	431	16 6	77	10	465	5 6	76	14	492	12 6
				78	4	430	5 0	77	9	465	10 6	76	13	494	6 6
78	78	273	12 0	78	3	428	2 0	77	8	465	11 6	76	12	495	12 0
78	77	285	17 6	78	2	425	5 6	77	7	465	6 6	76	11	496	10 0
78	76	297	5 0	78	1	421	17 6	77	6	464	15 0	76	10	497	2 0
78	75	305	7 0	78	0	418	14 0	77	5	463	12 6	76	9	497	8 6
78	74	312	9 6					77	4	461	18 0	76	8	497	11 0
78	73	318	14 6					77	3	459	11 0	76	7	497	7 0
78	72	324	2 6	77	77	299	5 6	77	2	456	10 0	76	6	496	14 6
78	71	329	6 0	77	76	311	15 0	77	1	452	15 0	76	5	495	11 0
78	70	334	12 0	77	75	320	16 6	77	0	449	4 6	76	4	493	14 0
78	69	340	1 0	77	74	328	16 0					76	3	491	3 0
78	68	345	9 6	77	73	335	17 0					76	2	487	16 6
78	67	350	15 6	77	72	341	19 6	76	76	325	6 6	76	1	483	15 0
78	66	355	18 6	77	71	347	16 0	76	75	335	7 0	76	0	479	17 6
78	65	361	13 6	77	70	353	14 6	76	74	344	5 0				
78	64	367	0 0	77	69	359	16 0	76	73	352	2 6				
78	63	371	19 0	77	68	365	17 0	76	72	359	0 0	75	75	346	5 6
78	62	376	10 6	77	67	371	15 0	76	71	365	10 0	75	74	356	0 0
78	61	380	7 6	77	66	377	9 6	76	70	372	2 6	75	73	364	13 0
78	60	383	9 0	77	65	383	17 0	76	69	378	17 6	75	72	372	5 0
78	59	385	18 6	77	64	389	15 6	76	68	385	11 0	75	71	379	8 6
78	58	388	4 0	77	63	395	6 0	76	67	392	1 0	75	70	386	14 0
78	57	390	7 0	77	62	400	9 0	76	66	398	8 0	75	69	394	1 0
78	56	392	10 6	77	61	404	16 0	76	65	405	8 0	75	68	401	7 0
78	55	394	17 0	77	60	408	6 6	76	64	411	19 6	75	67	408	9 6
78	54	397	6 0	77	59	411	4 6	76	63	418	2 6	75	66	415	7 6
78	53	399	17 6	77	58	413	17 0	76	62	423	17 0	75	65	423	0 0
78	52	402	11 6	77	57	416	6 0	76	61	428	15 0	75	64	430	3 0
78	51	405	5 0	77	56	418	16 0	76	60	432	15 6	75	63	436	17 6
78	50	408	3 0	77	55	421	9 0	76	59	436	1 6	75	62	443	4 0



Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
71	63	500	3	6	70	61	531	17	6	69	58	567	11	0	68	54	608	13	0
71	62	508	14	6	70	60	538	16	6	69	57	573	3	0	68	53	614	15	0
71	61	516	4	6	70	59	544	16	0	69	56	578	12	0	68	52	620	19	6
71	60	522	13	6	70	58	550	6	6	69	55	584	3	0	68	51	627	3	0
71	59	528	4	0	70	57	555	9	6	69	54	589	15	0	68	50	633	13	0
71	58	533	5	6	70	56	560	10	6	69	53	595	8	6	68	49	639	16	0
71	57	538	0	6	70	55	565	13	6	69	52	601	4	6	68	48	645	10	0
71	56	542	13	0	70	54	570	17	0	69	51	607	0	6	68	47	650	11	6
71	55	547	8	6	70	53	576	3	0	69	50	613	2	0	68	46	655	1	0
71	54	552	4	6	70	52	581	11	6	69	49	618	17	0	68	45	658	11	6
71	53	557	3	0	70	51	586	19	6	69	48	624	3	6	68	44	661	11	0
71	52	562	4	0	70	50	592	13	0	69	47	628	18	0	68	43	664	0	6
71	51	567	4	6	70	49	598	0	6	69	46	633	1	0	68	42	666	0	6
71	50	572	10	6	70	48	602	19	6	69	45	636	5	6	68	41	667	15	6
71	49	577	11	0	70	47	607	7	6	69	44	639	0	0	68	40	669	0	6
71	48	582	3	0	70	46	611	4	0	69	43	641	4	6	68	39	670	3	0
71	47	586	4	6	70	45	614	3	6	69	42	643	0	6	68	38	671	3	0
71	46	589	15	0	70	44	616	12	6	69	41	644	11	6	68	37	672	3	0
71	45	592	9	0	70	43	618	12	6	69	40	645	13	6	68	36	673	2	0
71	44	594	13	0	70	42	620	4	6	69	39	646	12	6	68	35	673	19	6
71	43	596	8	6	70	41	621	11	6	69	38	647	10	6	68	34	674	14	6
71	42	597	17	0	70	40	622	10	6	69	37	648	8	0	68	33	675	5	0
71	41	599	1	0	70	39	623	7	6	69	36	649	5	0	68	32	675	12	6
71	40	599	17	0	70	38	624	2	6	69	35	650	1	0	68	31	675	17	6
71	39	600	11	0	70	37	624	18	0	69	34	650	14	0	68	30	676	1	0
71	38	601	4	0	70	36	625	13	0	69	33	651	3	6	68	29	676	3	6
71	37	601	18	0	70	35	626	7	6	69	32	651	10	0	68	28	676	4	6
71	36	602	11	6	70	34	626	19	0	69	31	651	14	0	68	27	676	3	6
71	35	603	4	0	70	33	627	8	0	69	30	651	17	0	68	26	676	0	6
71	34	603	15	0	70	32	627	13	6	69	29	651	19	0	68	25	675	4	0
71	33	604	2	6	70	31	627	17	0	69	28	652	0	0	68	24	674	7	0
71	32	604	7	6	70	30	627	19	6	69	27	651	19	0	68	23	673	12	6
71	31	604	10	0	70	29	628	1	0	69	26	651	15	6	68	22	673	2	6
71	30	604	12	6	70	28	628	1	6	69	25	650	19	6	68	21	673	1	0
71	29	604	14	0	70	27	628	0	6	69	24	650	3	0	68	20	674	4	0
71	28	604	14	0	70	26	627	17	0	69	23	649	9	6	68	19	676	0	0
71	27	604	12	6	70	25	627	1	6	69	22	648	19	6	68	18	678	8	0
71	26	604	9	0	70	24	626	5	6	69	21	648	18	6	68	17	681	8	0
71	25	603	14	0	70	23	625	12	6	69	20	650	1	0	68	16	684	15	0
71	24	602	19	0	70	22	625	3	0	69	19	651	15	6	68	15	688	6	0
71	23	602	6	0	70	21	625	2	0	69	18	654	1	6	68	14	691	14	6
71	22	601	17	6	70	20	626	4	0	69	17	656	19	0	68	13	694	16	0
71	21	601	16	6	70	19	627	17	6	69	16	660	3	6	68	12	697	7	0
71	20	602	18	0	70	18	630	2	0	69	15	663	11	6	68	11	699	9	0
71	19	604	10	6	70	17	632	17	0	69	14	666	16	0	68	10	701	2	0
71	18	606	12	6	70	16	635	19	0	69	13	669	14	0	68	9	702	6	6
71	17	609	6	0	70	15	639	3	6	69	12	672	2	6	68	8	703	3	6
71	16	612	5	0	70	14	642	4	6	69	11	674	1	0	68	7	703	10	0
71	15	615	6	0	70	13	644	19	6	69	10	675	11	6	68	6	703	3	0
71	14	618	4	6	70	12	647	4	6	69	9	676	13	6	68	5	701	16	6
71	13	620	15	6	70	11	649	0	0	69	8	677	8	6	68	4	699	8	6
71	12	622	17	6	70	10	650	7	6	69	7	677	13	0	68	3	695	16	6
71	11	624	10	6	70	9	651	7	0	69	6	677	5	0	68	2	690	17	6
71	10	625	15	0	70	8	652	0	0	69	5	675	18	6	68	1	684	12	0
71	9	626	12	6	70	7	652	3	6	69	4	673	11	6	68	0	678	6	6
71	8	627	3	0	70	6	651	14	6	69	3	670	1	6					
71	7	627	5	0	70	5	650	7	6	69	2	665	6	0					
71	6	626	15	0	70	4	648	1	6	69	1	659	5	6					
71	5	625	8	6	70	3	644	14	0	69	0	653	6	0					
71	4	623	3	6	70	2	640	2	0										
71	3	619	18	0	70	1	634	7	0										
71	2	615	10	0	70	0	628	13	0										
71	1	610	0	0															
71	0	604	11	6															
70	70	443	17	0	69	69	465	7	0	68	68	487	16	6	67	67	510	19	6
70	69	454	6	0	69	68	476	5	6	68	66	499	2	0	67	66	522	11	6
70	68	464	12	0	69	66	497	7	0	68	65	521	19	0	67	65	535	1	0
70	67	474	13	6	69	65	508	11	0	68	64	533	4	6	67	64	546	19	6
70	66	484	9	6	69	64	519	4	6	68	63	544	0	0	67	63	558	7	0
70	65	495	1	6	69	63	529	8	0	68	62	554	5	6	67	62	569	4	6
70	64	505	3	0	69	62	539	2	0	68	61	563	8	6	67	61	578	19	0
70	63	514	14	6	69	61	547	13	6	68	60	571	8	0	67	60	587	9	0
70	62	523	17	0	69	60	555	2	6	68	59	578	7	0	67	59	594	18	0
					69	59	561	11	6	68	58	584	15	6	67	58	601	16	0
										68	57	590	16	0	67	57	608	6	0
										68	56	596	14	0	67	56	614	12	0
										68	55	602	13	0	67	55	621	0	6
															67	54	627	9	0
															67	53	633	19	0
															67	52	640	12	0
															67	51	647	4	0
															67	50	654	2	0



Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
63	19	802	19	0	62	9	864	2	0	60	60	694	6	6	59	47	840	12	0
63	18	805	16	6	62	8	865	13	0	60	59	705	12	0	59	46	848	13	6
63	17	809	9	6	62	7	866	11	0	60	58	716	4	0	59	45	855	9	0
63	16	813	12	0	62	6	866	11	6	60	57	726	4	0	59	44	861	8	0
63	15	818	0	6	62	5	865	7	6	60	56	735	19	0	59	43	866	11	6
63	14	822	6	6	62	4	862	15	0	60	55	745	15	0	59	42	871	0	6
63	13	826	6	0	62	3	858	11	0	60	54	755	10	6	59	41	875	0	0
63	12	829	14	6	62	2	852	10	6	60	53	765	7	0	59	40	878	4	6
63	11	832	12	0	62	1	844	14	6	60	52	775	6	6	59	39	881	2	6
63	10	834	19	0	62	0	836	14	6	60	51	785	4	6	59	38	883	14	6
63	9	836	17	0						60	50	795	9	6	59	37	886	5	0
63	8	838	5	6	61	61	669	15	6	60	49	805	6	6	59	36	888	11	0
63	7	839	1	6	61	60	681	15	6	60	48	814	11	6	59	35	890	13	6
63	6	839	0	6	61	59	692	10	0	60	47	823	0	6	59	34	892	10	0
63	5	837	16	0	61	58	702	11	0	60	46	830	13	6	59	33	893	19	6
63	4	835	4	0	61	57	712	1	0	60	45	837	1	6	59	32	895	2	6
63	3	831	2	0	61	56	721	6	0	60	44	842	13	0	59	31	896	0	6
63	2	825	5	0	61	55	730	12	0	60	43	847	9	6	59	30	896	15	0
63	1	817	13	6	61	54	739	17	6	60	42	851	12	6	59	29	897	6	0
63	0	809	19	6	61	53	749	5	0	60	41	855	6	6	59	28	897	14	0
					61	52	758	14	6	60	40	858	6	0	59	27	897	18	6
62	62	643	11	0	61	51	768	3	0	60	39	860	19	0	59	26	897	18	6
62	61	656	7	0	61	50	777	18	0	60	38	863	7	0	59	25	896	19	6
62	60	667	15	0	61	49	787	5	6	60	37	865	13	0	59	24	895	19	0
62	59	677	18	6	61	48	796	1	0	60	36	867	15	6	59	23	895	0	6
62	58	687	9	0	61	47	804	1	0	60	35	869	15	0	59	22	894	6	6
62	57	696	8	6	61	46	811	5	6	60	34	871	8	0	59	21	894	3	6
62	56	705	3	6	61	45	817	5	6	60	33	872	15	0	59	20	895	13	6
62	55	713	19	0	61	44	822	10	0	60	32	873	16	0	59	19	898	0	6
62	54	722	15	0	61	43	827	0	0	60	31	874	11	6	59	18	901	5	6
62	53	731	12	6	61	42	830	17	0	60	30	875	4	6	59	17	905	8	0
62	52	740	12	0	61	41	834	5	0	60	29	875	14	6	59	16	910	2	6
62	51	749	10	6	61	40	836	19	6	60	28	876	1	0	59	15	915	4	6
62	50	758	16	0	61	39	839	8	0	60	27	876	4	0	59	14	920	5	0
62	49	767	14	0	61	38	841	12	0	60	26	876	3	6	59	13	924	19	0
62	48	776	0	0	61	37	843	14	0	60	25	875	4	6	59	12	929	1	0
62	47	783	11	0	61	36	845	13	0	60	24	874	4	0	59	11	932	11	6
62	46	790	7	0	61	35	847	9	0	60	23	873	5	6	59	10	935	11	0
62	45	795	19	0	61	34	848	19	6	60	22	872	12	0	59	9	938	0	0
62	44	800	16	0	61	33	850	4	0	60	21	872	9	0	59	8	939	18	6
62	43	804	19	6	61	32	851	2	6	60	20	873	18	6	59	7	941	2	6
62	42	808	10	6	61	31	851	16	0	60	19	876	4	6	59	6	941	8	0
62	41	811	13	0	61	30	852	7	6	60	18	879	7	6	59	5	940	6	0
62	40	814	3	0	61	29	852	16	0	60	17	883	8	0	59	4	937	12	6
62	39	816	7	0	61	28	853	1	6	60	16	887	19	6	59	3	933	3	6
62	38	818	7	0	61	27	853	4	0	60	15	892	18	6	59	2	926	14	6
62	37	820	5	6	61	26	853	2	6	60	14	897	15	6	59	1	918	5	0
62	36	822	1	0	61	25	852	3	6	60	13	902	6	0	59	0	909	10	0
62	35	823	13	6	61	24	851	3	6	60	12	906	5	0					
62	34	825	1	6	61	23	850	5	6	60	11	909	12	0	58	58	740	2	6
62	33	826	3	6	61	22	849	12	0	60	10	912	9	0	58	57	751	2	6
62	32	827	0	0	61	21	849	9	0	60	9	914	14	6	58	56	761	17	6
62	31	827	12	0	61	20	850	17	6	60	8	916	11	0	58	55	772	12	6
62	30	828	1	6	61	19	853	2	6	60	7	917	13	0	58	54	783	7	0
62	29	828	9	0	61	18	856	3	6	60	6	917	16	6	58	53	794	3	0
62	28	828	13	6	61	17	860	1	6	60	5	916	13	6	58	52	805	1	0
62	27	828	15	0	61	16	864	10	6	60	4	914	0	6	58	51	815	18	0
62	26	828	13	6	61	15	869	6	0	60	3	909	13	0	58	50	827	2	0
62	25	827	14	6	61	14	873	19	6	60	2	903	6	6	58	49	837	18	0
62	24	826	14	6	61	13	878	6	6	60	1	895	1	0	58	48	848	1	6
62	23	825	17	0	61	12	882	2	0	60	0	886	11	0	58	47	857	8	0
62	22	825	4	0	61	11	885	6	0						58	46	865	18	0
62	21	825	1	0	61	10	887	19	6	59	59	717	8	6	58	45	873	1	6
62	20	826	9	0	61	9	890	3	0	59	58	728	10	6	58	44	879	7	6
62	19	828	12	6	61	8	891	16	6	59	57	739	0	6	58	43	884	18	0
62	18	831	11	6	61	7	892	16	6	59	56	749	5	6	58	42	889	13	6
62	17	835	7	6	61	6	892	18	6	59	55	759	11	0	58	41	893	19	0
62	16	839	13	0	61	5	891	15	0	59	54	769	16	0	58	40	897	9	0
62	15	844	5	0	61	4	889	2	0	59	53	780	2	6	58	39	900	11	6
62	14	848	15	0	61	3	884	16	0	59	52	790	11	6	58	38	903	8	6
62	13	852	18	6	61	2	878	12	6	59	51	800	18	6	58	37	906	2	6
62	12	856	10	0	61	1	870	11	6	59	50	811	13	6	58	36	908	12	6
62	11	859	11	0	61	0	862	6	6	59	49	822	0	0	58	35	910	18	6
62	10	862	1	6						59	48	831	14	0	58	34	912	18	0

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
58	33	914	10	6	57	18	943	7	6	56	2	993	19	6	54	41	966	16	6
58	32	915	16	0	57	17	947	14	6	56	1	984	18	6	54	40	971	9	0
58	31	916	16	0	57	16	952	14	6	56	0	975	10	6	54	39	975	13	0
58	30	917	12	6	57	15	958	2	6						54	38	979	9	6
58	29	918	5	0	57	14	963	9	6	55	55	809	8	6	54	37	983	2	0
58	28	918	14	6	57	13	968	9	6	55	54	821	11	6	54	36	986	9	0
58	27	919	0	0	57	12	972	18	0	55	53	833	15	6	54	35	989	10	6
58	26	919	0	6	57	11	976	14	6	55	52	846	2	6	54	34	992	4	0
58	25	918	2	0	57	10	980	0	0	55	51	858	7	6	54	33	994	9	0
58	24	917	1	6	57	9	982	14	0	55	50	871	0	6	54	32	996	6	0
58	23	916	3	0	57	8	984	18	0	55	49	883	4	6	54	31	997	15	6
58	22	915	9	0	57	7	986	6	6	55	48	894	15	6	54	30	999	0	6
58	21	915	6	0	57	6	986	15	0	55	47	905	9	0	54	29	1000	1	0
58	20	916	16	6	57	5	985	14	6	55	46	915	4	6	54	28	1000	17	0
58	19	919	5	0	57	4	983	1	0	55	45	923	12	0	54	27	1001	8	0
58	18	922	11	0	57	3	978	10	0	55	44	931	1	0	54	26	1001	13	6
58	17	926	16	0	57	2	971	15	6	55	43	937	12	6	54	25	1000	17	0
58	16	931	13	6	57	1	962	18	6	55	42	943	8	0	54	24	999	17	6
58	15	936	18	6	57	0	953	14	6	55	41	948	11	6	54	23	998	19	6
58	14	942	2	0						55	40	952	18	6	54	22	998	5	6
58	13	946	19	0	56	56	785	10	6	55	39	956	16	6	54	21	998	3	6
58	12	951	4	6	56	55	797	5	0	55	38	960	8	0	54	20	999	17	6
58	11	954	18	0	56	54	808	18	0	55	37	963	15	6	54	19	1002	11	0
58	10	958	0	6	56	53	820	13	0	55	36	966	18	0	54	18	1006	4	0
58	9	960	12	0	56	52	832	10	0	55	35	969	15	0	54	17	1010	18	0
58	8	962	13	6	56	51	844	5	6	55	34	972	5	0	54	16	1016	5	6
58	7	963	19	6	56	50	856	9	0	55	33	974	7	0	54	15	1022	2	6
58	6	964	6	6	56	49	868	3	6	55	32	976	0	6	54	14	1027	19	0
58	5	963	5	6	56	48	879	5	0	55	31	977	7	6	54	13	1033	9	0
58	4	960	11	6	56	47	889	9	6	55	30	978	10	0	54	12	1038	7	0
58	3	956	1	6	56	46	898	16	6	55	29	979	8	6	54	11	1042	12	6
58	2	949	10	0	56	45	906	15	6	55	28	980	3	0	54	10	1046	6	6
58	1	940	16	6	56	44	913	17	0	55	27	980	12	0	54	9	1049	8	6
58	0	931	17	0	56	43	920	1	6	55	26	980	16	0	54	8	1052	0	0
					56	42	925	10	0	55	25	979	19	0	54	7	1053	15	0
57	57	762	12	6	56	41	930	7	6	55	24	978	19	6	54	6	1054	8	6
57	56	773	17	0	56	40	934	8	6	55	23	978	0	6	54	5	1053	11	0
57	55	785	1	6	56	39	938	1	0	55	22	977	7	0	54	4	1050	17	6
57	54	796	5	6	56	38	941	7	6	55	21	977	4	6	54	3	1046	3	6
57	53	807	10	6	56	37	944	10	6	55	20	978	17	6	54	2	1039	2	6
57	52	818	18	6	56	36	947	8	6	55	19	981	9	6	54	1	1029	14	0
57	51	830	4	6	56	35	950	2	0	55	18	985	0	6	54	0	1019	17	6
57	50	841	18	6	56	34	952	8	0	55	17	989	12	6					
57	49	853	3	6	56	33	954	6	6	55	16	994	17	6	53	53	860	1	6
57	48	863	16	0	56	32	955	17	6	55	15	1000	11	6	53	52	873	7	6
57	47	873	11	6	56	31	957	2	0	55	14	1006	4	6	53	51	886	12	0
57	46	882	10	0	56	30	958	2	6	55	13	1011	11	6	53	50	900	4	6
57	45	890	1	0	56	29	958	19	0	55	12	1016	6	0	53	49	913	8	0
57	44	896	15	0	56	28	959	11	6	55	11	1020	8	6	53	48	925	18	0
57	43	902	12	6	56	27	959	19	6	55	10	1024	0	0	53	47	937	10	0
57	42	907	14	6	56	26	960	2	0	55	9	1026	19	6	53	46	948	3	0
57	41	912	6	0	56	25	959	4	6	55	8	1029	8	0	53	45	957	7	0
57	40	916	1	0	56	24	958	4	6	55	7	1031	1	0	53	44	965	12	0
57	39	919	8	6	56	23	957	5	6	55	6	1031	13	0	53	43	972	18	6
57	38	922	10	0	56	22	956	11	6	55	5	1030	14	6	53	42	979	7	6
57	37	925	8	6	56	21	956	9	0	55	4	1028	1	0	53	41	985	4	6
57	36	928	2	6	56	20	958	1	0	55	3	1023	7	6	53	40	990	3	6
57	35	930	12	0	56	19	960	11	6	55	2	1016	9	0	53	39	994	13	0
57	34	932	15	0	56	18	964	1	6	55	1	1007	4	6	53	38	998	15	0
57	33	934	10	6	56	17	968	10	6	55	0	997	12	0	53	37	1002	12	6
57	32	935	18	6	56	16	973	13	0						53	36	1006	4	0
57	31	937	0	6	56	15	979	4	0	54	54	834	4	0	53	35	1009	10	0
57	30	937	19	0	56	14	984	14	0	54	53	846	17	6	53	34	1012	7	6
57	29	938	13	6	56	13	989	17	6	54	52	859	14	0	53	33	1014	16	6
57	28	939	4	6	56	12	994	9	6	54	51	872	9	0	53	32	1016	16	0
57	27	939	11	0	56	11	998	9	0	54	50	885	11	6	53	31	1018	8	6
57	26	939	13	0	56	10	1001	17	6	54	49	898	5	6	53	30	1019	16	6
57	25	938	14	6	56	9	1004	14	0	54	48	910	5	6	53	29	1020	19	0
57	24	937	14	0	56	8	1007	0	0	54	47	921	8	6	53	28	1021	17	0
57	23	936	15	6	56	7	1008	11	0	54	46	931	12	6	53	27	1022	9	6
57	22	936	1	6	56	6	1009	1	0	54	45	940	8	0	53	26	1022	16	6
57	21	935	18	6	56	5	1008	1	6	54	44	948	5	0	53	25	1022	0	6
57	20	937	10	0	56	4	1005	8	0	54	43	955	4	0	53	24	1021	2	0
57	19	939	19	6	56	3	1000	16	0	54	42	961	6	0	53	23	1020	4	0



Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
53	22	1019	10	6	52	2	1085	12	0	50	33	1077	12	0	49	10	1163	6	0
53	21	1019	8	6	52	1	1075	16	6	50	32	1080	2	6	49	9	1167	2	0
53	20	1021	4	0	52	0	1065	11	0	50	31	1082	4	6	49	8	1170	6	0
53	19	1023	18	6						50	30	1084	0	6	49	7	1172	12	6
53	18	1027	13	6	51	51	915	2	0	50	29	1085	11	0	49	6	1173	15	0
53	17	1032	10	0	51	50	929	15	0	50	28	1086	16	0	49	5	1173	2	6
53	16	1038	0	6	51	49	943	18	6	50	27	1087	14	0	49	4	1170	9	6
53	15	1044	0	6	51	48	957	8	6	50	26	1088	6	0	49	3	1165	10	0
53	14	1050	0	6	51	47	969	19	6	50	25	1087	13	0	49	2	1157	17	6
53	13	1055	13	6	51	46	981	11	0	50	24	1086	16	6	49	1	1147	10	6
53	12	1060	14	6	51	45	991	12	6	50	23	1086	0	0	49	0	1136	12	0
53	11	1065	3	6	51	44	1000	13	6	50	22	1085	8	0					
53	10	1069	0	0	51	43	1008	15	6	50	21	1085	8	0	48	48	1004	7	0
53	9	1072	5	0	51	42	1015	19	6	50	20	1087	7	0	48	47	1018	7	6
53	8	1074	19	0	51	41	1022	10	6	50	19	1090	6	6	48	46	1031	8	6
53	7	1076	16	0	51	40	1028	2	0	50	18	1094	8	0	48	45	1042	16	6
53	6	1077	11	6	51	39	1033	3	6	50	17	1099	12	0	48	44	1053	4	0
53	5	1076	15	0	51	38	1037	16	6	50	16	1105	11	6	48	43	1062	10	6
53	4	1074	1	6	51	37	1042	5	0	50	15	1112	1	6	48	42	1070	17	6
53	3	1069	6	6	51	36	1046	6	6	50	14	1118	11	6	48	41	1078	10	0
53	2	1062	3	0	51	35	1050	1	6	50	13	1124	15	0	48	40	1085	2	0
53	1	1052	11	0	51	34	1053	8	0	50	12	1130	6	0	48	39	1091	3	0
53	0	1042	10	0	51	33	1056	4	6	50	11	1135	4	0	48	38	1096	14	6
					51	32	1068	11	0	50	10	1139	10	0	48	37	1102	0	0
52	52	887	3	6	51	31	1060	9	6	50	9	1143	3	0	48	36	1106	18	0
52	51	900	17	6	51	30	1062	3	0	50	8	1146	4	6	48	35	1111	8	6
52	50	915	0	6	51	29	1063	11	0	50	7	1148	8	6	48	34	1115	9	0
52	49	928	14	0	51	28	1064	13	0	50	6	1149	9	0	48	33	1118	18	6
52	48	941	13	6	51	27	1065	9	6	50	5	1148	15	6	48	32	1121	17	0
52	47	953	15	0	51	26	1065	19	0	50	4	1146	2	6	48	31	1124	6	6
52	46	964	17	6	51	25	1065	5	6	50	3	1141	4	0	48	30	1126	9	6
52	45	974	10	0	51	24	1064	8	0	50	2	1133	14	0	48	29	1128	5	6
52	44	983	3	0	51	23	1063	11	0	50	1	1123	10	6	48	28	1129	15	6
52	43	990	17	0	51	22	1062	18	6	50	0	1112	16	6	48	27	1130	18	6
52	42	997	13	6	51	21	1062	17	6						48	26	1131	14	0
52	41	1003	17	6	51	20	1064	15	6	49	49	974	16	6	48	25	1131	3	6
52	40	1009	2	6	51	19	1067	13	0	49	48	989	6	6	48	24	1130	9	0
52	39	1013	18	0	51	18	1071	12	6	49	47	1002	17	6	48	23	1129	14	6
52	38	1018	5	6	51	17	1076	13	6	49	46	1015	8	6	48	22	1129	4	0
52	37	1022	8	6	51	16	1082	10	0	49	45	1026	8	0	48	21	1129	5	0
52	36	1026	5	0	51	15	1088	16	6	49	44	1036	6	6	48	20	1131	7	0
52	35	1029	15	0	51	14	1095	3	0	49	43	1045	4	6	48	19	1134	10	6
52	34	1032	17	0	51	13	1101	3	0	49	42	1053	4	0	48	18	1138	16	0
52	33	1035	9	6	51	12	1106	10	6	49	41	1060	9	6	48	17	1144	5	6
52	32	1037	13	0	51	11	1111	5	6	49	40	1066	14	6	48	16	1150	11	6
52	31	1039	8	0	51	10	1115	8	0	49	39	1072	8	6	48	15	1157	8	6
52	30	1040	19	0	51	9	1118	18	6	49	38	1077	14	0	48	14	1164	6	0
52	29	1042	4	0	51	8	1121	17	6	49	37	1082	13	6	48	13	1170	16	6
52	28	1043	4	0	51	7	1123	19	0	49	36	1087	6	0	48	12	1176	14	6
52	27	1043	18	6	51	6	1124	18	0	49	35	1091	11	6	48	11	1181	19	0
52	26	1044	6	6	51	5	1124	3	6	49	34	1095	7	0	48	10	1186	10	6
52	25	1043	12	0	51	4	1121	10	6	49	33	1098	12	0	48	9	1190	9	6
52	24	1042	13	6	51	3	1116	13	0	49	32	1101	6	6	48	8	1193	16	6
52	23	1041	16	0	51	2	1109	5	0	49	31	1103	12	0	48	7	1196	5	0
52	22	1041	3	0	51	1	1099	5	6	49	30	1105	11	6	48	6	1197	9	6
52	21	1041	2	0	51	0	1088	16	0	49	29	1107	5	0	48	5	1196	18	0
52	20	1042	18	0						49	28	1108	12	0	48	4	1194	5	0
52	19	1045	14	6	50	50	944	18	0	49	27	1109	12	6	48	3	1189	4	6
52	18	1049	11	6	50	49	959	12	0	49	26	1110	6	0	48	2	1181	9	6
52	17	1054	10	0	50	48	973	12	0	49	25	1109	14	6	48	1	1170	19	0
52	16	1060	3	6	50	47	986	13	0	49	24	1108	19	0	48	0	1159	16	0
52	15	1066	7	0	50	46	998	14	6	49	23	1108	3	6					
52	14	1072	10	0	50	45	1009	4	6	49	22	1107	12	0	47	47	1032	18	6
52	13	1078	6	6	50	44	1018	14	6	49	21	1107	12	6	47	46	1046	8	6
52	12	1083	11	0	50	43	1027	4	6	49	20	1109	13	0	47	45	1058	6	0
52	11	1088	2	6	50	42	1034	16	0	49	19	1112	14	6	47	44	1069	1	6
52	10	1092	2	6	50	41	1041	14	0	49	18	1116	18	0	47	43	1078	16	6
52	9	1095	10	0	50	40	1047	12	0	49	17	1122	4	6	47	42	1087	11	0
52	8	1098	6	0	50	39	1053	0	0	49	16	1128	7	6	47	41	1095	11	6
52	7	1100	5	6	50	38	1057	19	0	49	15	1135	1	0	47	40	1102	10	6
52	6	1101	3	0	50	37	1062	13	0	49	14	1141	14	6	47	39	1108	17	6
52	5	1100	7	6	50	36	1067	0	0	49	13	1148	1	6	47	38	1114	15	6
52	4	1097	14	0	50	35	1071	0	6	49	12	1153	16	0	47	37	1120	7	0
52	3	1092	18	0	50	34	1074	11	0	49	11	1158	17	0	47	36	1125	10	6

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
47	35	1130	6	6	46	9	1234	9	0	44	28	1203	3	0	42	42	1152	4	0
47	34	1134	12	0	46	8	1238	0	6	44	27	1204	16	6	42	41	1162	0	0
47	33	1138	6	0	46	7	1240	14	0	44	26	1206	1	0	42	40	1170	12	6
47	32	1141	9	0	46	6	1242	2	0	44	25	1205	18	0	42	39	1178	12	0
47	31	1144	2	0	46	5	1241	12	6	44	24	1205	8	6	42	38	1186	0	6
47	30	1146	8	0	46	4	1239	0	6	44	23	1204	18	6	42	37	1193	1	6
47	29	1148	7	6	46	3	1233	18	6	44	22	1204	12	0	42	36	1199	13	6
47	28	1150	0	6	46	2	1225	19	0	44	21	1204	18	0	42	35	1205	16	0
47	27	1151	5	6	46	1	1215	1	6	44	20	1207	6	0	42	34	1211	6	6
47	26	1152	3	6	46	0	1203	11	0	44	19	1210	17	0	42	33	1216	4	0
47	25	1151	14	6						44	18	1215	11	6	42	32	1220	8	6
47	24	1151	1	0	45	45	1085	9	0	44	17	1221	12	0	42	31	1224	1	6
47	23	1150	7	6	45	44	1097	1	6	44	16	1228	10	0	42	30	1227	6	6
47	22	1149	18	0	45	43	1107	12	6	44	15	1236	0	0	42	29	1230	3	0
47	21	1150	0	0	45	42	1117	2	6	44	14	1243	11	0	42	28	1232	11	0
47	20	1152	3	6	45	41	1125	17	6	44	13	1250	15	0	42	27	1234	10	6
47	19	1155	8	6	45	40	1133	10	0	44	12	1257	6	0	42	26	1236	0	6
47	18	1159	16	6	45	39	1140	10	6	44	11	1263	3	0	42	25	1236	1	0
47	17	1165	9	0	45	38	1147	0	6	44	10	1268	6	6	42	24	1235	15	6
47	16	1171	18	0	45	37	1153	4	6	44	9	1272	16	6	42	23	1235	8	6
47	15	1178	18	6	45	36	1158	19	0	44	8	1276	13	6	42	22	1235	5	0
47	14	1185	19	6	45	35	1164	6	0	44	7	1279	11	0	42	21	1235	13	0
47	13	1192	13	6	45	34	1169	1	6	44	6	1281	3	0	42	20	1238	4	6
47	12	1198	14	6	45	33	1173	5	0	44	5	1280	16	0	42	19	1241	19	6
47	11	1204	2	6	45	32	1176	16	0	44	4	1278	4	6	42	18	1246	18	6
47	10	1208	17	6	45	31	1179	17	0	44	3	1273	1	6	42	17	1253	4	0
47	9	1212	19	0	45	30	1182	10	6	44	2	1264	19	0	42	16	1260	7	6
47	8	1216	8	6	45	29	1184	17	0	44	1	1253	15	6	42	15	1268	3	0
47	7	1218	19	6	45	28	1186	15	6	44	0	1241	18	0	42	14	1276	0	6
47	6	1220	5	6	45	27	1188	6	0						42	13	1283	10	6
47	5	1219	15	0	45	26	1189	8	6	43	43	1131	7	0	42	12	1290	7	6
47	4	1217	2	6	45	25	1189	3	0	43	42	1141	12	0	42	11	1296	10	0
47	3	1212	1	6	45	24	1188	12	0	43	41	1151	1	0	42	10	1301	19	0
47	2	1204	4	0	45	23	1188	1	0	43	40	1159	7	0	42	9	1306	14	6
47	1	1193	10	0	45	22	1187	13	6	43	39	1167	0	6	42	8	1310	16	0
47	0	1182	3	0	45	21	1187	17	6	43	38	1174	3	0	42	7	1313	18	0
					45	20	1190	4	6	43	37	1180	18	0	42	6	1315	13	6
46	46	1060	7	6	45	19	1193	13	0	43	36	1187	4	0	42	5	1315	9	0
46	45	1072	14	0	45	18	1198	6	0	43	35	1193	1	6	42	4	1312	18	6
46	44	1083	18	6	45	17	1204	3	6	43	34	1198	7	0	42	3	1307	15	0
46	43	1094	1	0	45	16	1210	18	6	43	33	1203	0	0	42	2	1299	10	0
46	42	1103	4	0	45	15	1218	5	6	43	32	1207	0	0	42	1	1288	2	0
46	41	1111	11	6	45	14	1225	13	0	43	31	1210	9	0	42	0	1275	18	6
46	40	1118	17	6	45	13	1232	14	0	43	30	1213	10	0					
46	39	1125	11	0	45	12	1239	2	0	43	29	1216	3	0	41	41	1172	2	6
46	38	1131	15	0	45	11	1244	16	0	43	28	1218	8	0	41	40	1181	1	6
46	37	1137	13	0	45	10	1249	17	0	43	27	1220	4	6	41	39	1189	7	6
46	36	1143	2	0	45	9	1254	4	0	43	26	1221	11	6	41	38	1197	2	0
46	35	1148	3	6	45	8	1257	18	6	43	25	1221	10	0	41	37	1204	8	6
46	34	1152	14	0	45	7	1260	14	0	43	24	1221	2	6	41	36	1211	6	0
46	33	1156	12	6	45	6	1262	4	0	43	23	1220	14	0	41	35	1217	13	6
46	32	1159	19	6	45	5	1261	15	6	43	22	1220	9	0	41	34	1223	9	6
46	31	1162	16	6	45	4	1259	3	6	43	21	1220	16	0	41	33	1228	11	6
46	30	1165	6	6	45	3	1254	1	0	43	20	1223	6	0	41	32	1233	0	6
46	29	1167	9	6	45	2	1246	0	6	43	19	1226	18	6	41	31	1236	17	6
46	28	1169	5	0	45	1	1235	0	0	43	18	1231	15	6	41	30	1240	6	0
46	27	1170	13	0	45	0	1223	5	6	43	17	1237	18	6	41	29	1243	6	6
46	26	1171	13	0						43	16	1244	19	6	41	28	1245	17	6
46	25	1171	5	6	44	44	1109	2	0	43	15	1252	12	6	41	27	1248	0	0
46	24	1170	13	6	44	43	1120	0	6	43	14	1260	6	6	41	26	1249	12	6
46	23	1170	1	0	44	42	1129	18	6	43	13	1267	13	6	41	25	1249	15	6
46	22	1169	12	6	44	41	1139	0	6	43	12	1274	7	6	41	24	1249	12	0
46	21	1169	15	6	44	40	1147	0	0	43	11	1280	7	6	41	23	1249	6	6
46	20	1172	0	6	44	39	1154	7	0	43	10	1285	14	0	41	22	1249	4	6
46	19	1175	7	6	44	38	1161	3	0	43	9	1290	6	6	41	21	1249	14	0
46	18	1179	18	0	44	37	1167	12	6	43	8	1294	6	0	41	20	1252	7	6
46	17	1185	13	0	44	36	1173	13	0	43	7	1297	5	6	41	19	1256	4	6
46	16	1192	5	0	44	35	1179	5	0	43	6	1298	19	0	41	18	1261	6	0
46	15	1199	9	0	44	34	1184	6	0	43	5	1298	13	6	41	17	1267	13	6
46	14	1206	13	0	44	33	1188	14	0	43	4	1296	2	6	41	16	1274	19	6
46	13	1213	11	0	44	32	1192	9	6	43	3	1290	19	0	41	15	1282	18	6
46	12	1219	15	6	44	31	1195	14	6	43	2	1282	15	0	41	14	1290	18	6
46	11	1225	6	6	44	30	1198	12	0	43	1	1271	9	6	41	13	1298	11	6
46	10	1230	4	6	44	29	1201	1	6	43	0	1259	9	0	41	12	1305	11	0

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
41	11	1311	16	6	39	20	1277	12	0	37	25	1296	1	6	35	26	1315	4	0
41	10	1317	8	6	39	19	1281	12	6	37	24	1296	6	6	35	25	1316	1	6
41	9	1322	6	0	39	18	1286	18	6	37	23	1296	9	0	35	24	1316	11	0
41	8	1326	10	0	39	17	1293	11	0	37	22	1296	14	0	35	23	1316	17	6
41	7	1329	14	6	39	16	1301	2	6	37	21	1297	10	6	35	22	1317	6	6
41	6	1331	11	6	39	15	1309	6	6	37	20	1300	11	6	35	21	1318	7	0
41	5	1331	8	0	39	14	1317	12	0	37	19	1304	16	6	35	20	1321	12	6
41	4	1328	18	6	39	13	1325	10	6	37	18	1310	7	0	35	19	1326	1	6
41	3	1323	14	6	39	12	1332	15	6	37	17	1317	4	0	35	18	1331	16	6
41	2	1315	8	6	39	11	1339	6	0	37	16	1325	0	6	35	17	1338	18	6
41	1	1303	18	6	39	10	1345	3	0	37	15	1333	10	0	35	16	1347	0	6
41	0	1291	12	6	39	9	1350	5	6	37	14	1342	1	0	35	15	1355	15	0
40	40	1190	7	0	39	8	1354	14	0	37	13	1350	5	0	35	14	1364	11	6
40	39	1198	18	6	39	7	1358	2	0	37	12	1357	15	0	35	13	1373	0	6
40	38	1206	19	0	39	6	1360	2	6	37	11	1364	10	6	35	12	1380	15	6
40	37	1214	11	6	39	5	1360	2	0	37	10	1370	12	0	35	11	1387	16	0
40	36	1221	14	0	39	4	1357	13	6	37	9	1375	19	0	35	10	1394	2	0
40	35	1228	7	0	39	3	1352	10	0	37	8	1380	12	0	35	9	1399	13	0
40	34	1234	7	6	39	2	1344	2	0	37	7	1384	4	0	35	8	1404	10	0
40	33	1239	14	6	39	1	1332	8	6	37	6	1386	8	0	35	7	1408	6	0
40	32	1244	7	6	39	0	1319	18	0	37	5	1386	10	0	35	6	1410	13	0
40	31	1248	8	6	38	38	1224	13	6	37	4	1384	3	0	35	5	1410	17	6
40	30	1252	1	0	38	37	1232	17	0	37	3	1378	19	6	35	4	1408	12	0
40	29	1255	5	0	38	36	1240	10	0	37	2	1370	10	0	35	3	1403	9	0
40	28	1257	19	6	38	35	1247	13	6	37	1	1358	13	6	35	2	1394	19	0
40	27	1260	5	0	38	34	1254	3	6	37	0	1345	19	6	35	1	1382	19	6
40	26	1262	0	6	38	33	1259	19	6	36	36	1257	7	6	35	0	1370	2	0
40	25	1262	5	6	38	32	1265	1	6	36	35	1265	0	6	34	34	1287	11	6
40	24	1262	4	0	38	31	1269	10	6	36	34	1272	0	0	34	33	1294	5	0
40	23	1262	0	6	38	30	1273	11	0	36	33	1278	5	0	34	32	1300	4	0
40	22	1262	0	0	38	29	1277	1	6	36	32	1283	15	6	34	31	1305	9	6
40	21	1262	11	6	38	28	1280	3	0	36	31	1288	13	0	34	30	1310	5	0
40	20	1265	6	6	38	27	1282	14	6	36	30	1293	1	0	34	29	1314	10	0
40	19	1269	5	6	38	26	1284	16	0	36	29	1296	19	0	34	28	1318	5	0
40	18	1274	9	0	38	25	1285	6	0	36	28	1300	7	0	34	27	1321	9	0
40	17	1280	19	0	38	24	1285	8	6	36	27	1303	5	0	34	26	1324	2	0
40	16	1288	8	0	38	23	1285	8	6	36	26	1305	12	0	34	25	1325	2	0
40	15	1296	9	6	38	22	1285	12	0	36	25	1306	7	0	34	24	1325	14	0
40	14	1304	12	0	38	21	1286	6	6	36	24	1306	14	0	34	23	1326	2	6
40	13	1312	8	0	38	20	1289	6	0	36	23	1306	18	6	34	22	1326	13	6
40	12	1319	10	6	38	19	1293	8	6	36	22	1307	5	6	34	21	1327	16	0
40	11	1325	18	6	38	18	1298	16	6	36	21	1308	4	0	34	20	1331	3	6
40	10	1331	12	6	38	17	1305	11	6	36	20	1311	7	0	34	19	1335	15	0
40	9	1336	12	6	38	16	1313	5	6	36	19	1315	14	6	34	18	1341	12	6
40	8	1340	19	0	38	15	1321	12	6	36	18	1321	7	0	34	17	1348	17	0
40	7	1344	5	6	38	14	1330	0	6	36	17	1328	6	6	34	16	1357	1	0
40	6	1346	4	0	38	13	1338	2	0	36	16	1336	5	6	34	15	1365	18	6
40	5	1346	2	0	38	12	1345	9	6	36	15	1344	18	0	34	14	1374	17	6
40	4	1343	13	0	38	11	1352	2	6	36	14	1353	11	6	34	13	1383	9	0
40	3	1338	9	0	38	10	1358	1	6	36	13	1361	18	0	34	12	1391	6	6
40	2	1330	2	0	38	9	1363	6	0	36	12	1369	10	6	34	11	1398	9	0
40	1	1318	10	6	38	8	1367	17	0	36	11	1376	8	6	34	10	1404	17	6
40	0	1306	2	0	38	7	1371	7	0	36	10	1382	12	0	34	9	1410	10	6
39	39	1207	16	0	38	6	1373	9	6	36	9	1388	1	0	34	8	1415	10	0
39	38	1216	2	0	38	5	1373	10	0	36	8	1392	16	6	34	7	1419	7	6
39	37	1224	0	0	38	4	1371	2	6	36	7	1396	10	6	34	6	1421	16	0
39	36	1231	8	0	38	3	1365	18	6	36	6	1398	16	0	34	5	1422	2	0
39	35	1238	6	0	38	2	1357	10	0	36	5	1398	19	0	34	4	1419	17	0
39	34	1244	11	6	38	1	1345	15	0	36	4	1396	13	0	34	3	1414	14	0
39	33	1250	3	0	38	0	1333	2	6	36	3	1391	9	6	34	2	1406	3	6
39	32	1255	0	6	37	37	1241	5	6	36	2	1383	0	0	34	1	1394	3	6
39	31	1259	5	6	37	36	1249	4	0	36	1	1371	2	0	34	0	1381	4	6
39	30	1263	2	0	37	35	1256	12	0	35	35	1272	18	0	33	33	1301	3	0
39	29	1266	9	6	37	34	1263	7	0	35	34	1280	2	6	33	32	1307	6	0
39	28	1269	7	6	37	33	1269	7	6	35	33	1286	12	0	33	31	1312	15	0
39	27	1271	16	0	37	32	1274	13	6	35	32	1292	6	6	33	30	1317	14	6
39	26	1273	14	0	37	31	1279	7	0	35	31	1297	8	0	33	29	1322	3	0
39	25	1274	1	6	37	30	1283	11	0	35	30	1302	0	0	33	28	1326	1	6
39	24	1274	2	0	37	29	1287	5	6	35	29	1306	1	6	33	27	1329	8	6
39	23	1274	0	6	37	28	1290	10	6	35	28	1309	13	0	33	26	1332	4	6
39	22	1274	2	0	37	27	1293	5	0	35	27	1312	14	0	33	25	1333	7	0
39	21	1274	15	0	37	26	1295	9	0	35	26				33	24	1334	1	0

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.			Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		
		£	s.	d.			£	s.	d.			£	s.	d.			£	s.	d.
33	23	1334	12	6	31	16	1382	11	6	29	5	1466	19	6	26	18	1395	11	6
33	22	1335	5	6	31	15	1391	16	6	29	4	1464	19	0	26	17	1403	14	6
33	21	1336	9	6	31	14	1401	2	6	29	3	1459	18	0	26	16	1412	17	6
33	20	1339	19	6	31	13	1410	2	0	29	2	1451	6	6	26	15	1422	14	0
33	19	1344	13	0	31	12	1418	6	6	29	1	1439	3	0	26	14	1432	11	6
33	18	1350	12	6	31	11	1425	15	6	29	0	1425	18	6	26	13	1442	1	6
33	17	1358	0	0	31	10	1432	10	0						26	12	1450	16	6
33	16	1366	6	6	31	9	1438	9	0	28	28	1355	4	6	26	11	1458	16	0
33	15	1375	6	6	31	8	1443	14	0	28	27	1359	6	6	26	10	1466	0	0
33	14	1384	8	0	31	7	1447	16	6	28	26	1362	16	6	26	9	1472	8	6
33	13	1393	2	0	31	6	1450	10	0	28	25	1364	12	0	26	8	1478	2	0
33	12	1401	2	0	31	5	1450	19	0	28	24	1365	18	0	26	7	1482	12	6
33	11	1408	7	0	31	4	1448	17	0	28	23	1367	0	6	26	6	1485	13	0
33	10	1414	17	0	31	3	1443	15	0	28	22	1368	4	0	26	5	1486	8	0
33	9	1420	12	6	31	2	1435	3	6	28	21	1369	18	6	26	4	1484	9	6
33	8	1425	13	6	31	1	1423	1	0	28	20	1373	19	0	26	3	1479	10	0
33	7	1429	13	0	31	0	1409	18	6	28	19	1379	3	6	26	2	1470	19	0
33	6	1432	3	0						28	18	1385	14	0	26	1	1458	14	0
33	5	1432	10	0	30	30	1335	18	6	28	17	1393	13	0	26	0	1445	8	6
33	4	1430	6	0	30	29	1340	17	0	28	16	1402	11	6					
33	3	1425	3	6	30	28	1345	5	0	28	15	1412	3	6	25	25	1375	2	6
33	2	1416	12	6	30	27	1349	1	6	28	14	1421	16	6	25	24	1376	15	6
33	1	1404	11	6	30	26	1352	6	0	28	13	1431	2	6	25	23	1378	4	0
33	0	1391	11	0	30	25	1353	16	6	28	12	1439	13	6	25	22	1379	14	0
					30	24	1354	17	6	28	11	1447	9	0	25	21	1381	14	6
32	32	1313	12	6	30	23	1355	15	6	28	10	1454	9	6	25	20	1386	1	0
32	31	1319	5	6	30	22	1356	15	0	28	9	1460	14	0	25	19	1391	11	6
32	30	1324	8	6	30	21	1358	5	6	28	8	1466	4	0	25	18	1398	8	6
32	29	1329	0	6	30	20	1362	1	6	28	7	1470	12	0	25	17	1406	13	6
32	28	1333	2	0	30	19	1367	2	0	28	6	1473	9	6	25	16	1415	18	0
32	27	1336	12	6	30	18	1373	8	0	28	5	1474	2	0	25	15	1425	16	6
32	26	1339	11	6	30	17	1381	2	6	28	4	1472	2	6	25	14	1435	15	6
32	25	1340	16	6	30	16	1389	16	0	28	3	1467	1	6	25	13	1445	7	6
32	24	1341	13	0	30	15	1399	3	6	28	2	1458	10	0	25	12	1454	4	6
32	23	1342	6	6	30	14	1408	12	0	28	1	1446	6	0	25	11	1462	5	6
32	22	1343	1	6	30	13	1417	13	6	28	0	1433	1	0	25	10	1469	11	6
32	21	1344	8	0	30	12	1426	0	6						25	9	1476	1	0
32	20	1348	0	0	30	11	1433	11	6	27	27	1363	11	6	25	8	1481	16	0
32	19	1352	15	6	30	10	1440	8	0	27	26	1367	4	6	25	7	1486	8	0
32	18	1358	17	6	30	9	1446	9	6	27	25	1369	2	0	25	6	1489	9	6
32	17	1366	7	0	30	8	1451	16	0	27	24	1370	10	6	25	5	1490	6	0
32	16	1374	16	0	30	7	1456	0	6	27	23	1371	15	0	25	4	1488	8	6
32	15	1383	18	6	30	6	1458	15	0	27	22	1373	1	0	25	3	1483	9	6
32	14	1393	2	6	30	5	1459	5	6	27	21	1374	17	6	25	2	1474	19	0
32	13	1401	19	0	30	4	1457	4	0	27	20	1379	0	0	25	1	1462	14	0
32	12	1410	1	6	30	3	1452	2	0	27	19	1384	6	6	25	0	1449	8	6
32	11	1417	8	6	30	2	1443	11	0	27	18	1390	19	6					
32	10	1424	1	0	30	1	1431	7	6	27	17	1399	0	0	24	24	1378	10	6
32	9	1429	18	0	30	0	1418	4	6	27	16	1408	1	0	24	23	1380	1	0
32	8	1435	1	0						27	15	1417	15	0	24	22	1381	13	0
32	7	1439	2	0	29	29	1345	19	6	27	14	1427	10	6	24	21	1383	15	6
32	6	1441	14	0	29	28	1350	10	6	27	13	1436	18	6	24	20	1388	4	0
32	5	1442	2	0	29	27	1354	9	6	27	12	1445	12	0	24	19	1393	16	6
32	4	1439	19	0	29	26	1357	17	0	27	11	1453	9	0	24	18	1400	15	0
32	3	1434	16	6	29	25	1359	10	0	27	10	1460	11	6	24	17	1409	1	6
32	2	1426	5	6	29	24	1360	13	6	27	9	1466	18	0	24	16	1418	8	0
32	1	1414	3	6	29	23	1361	13	6	27	8	1472	9	6	24	15	1428	8	6
32	0	1401	2	0	29	22	1362	15	0	27	7	1476	19	0	24	14	1438	9	6
					29	21	1364	7	6	27	6	1479	18	0	24	13	1448	3	0
31	31	1325	2	0	29	20	1368	6	0	27	5	1480	11	6	24	12	1457	1	6
31	30	1330	8	6	29	19	1373	8	6	27	4	1478	13	0	24	11	1465	4	6
31	29	1335	4	0	29	18	1379	17	0	27	3	1473	12	6	24	10	1472	11	6
31	28	1339	9	0	29	17	1387	13	6	27	2	1465	1	6	24	9	1479	3	0
31	27	1343	2	6	29	16	1396	9	6	27	1	1452	16	6	24	8	1484	19	6
31	26	1346	4	0	29	15	1405	19	6	27	0	1439	11	6	24	7	1489	13	0
31	25	1347	12	0	29	14	1415	10	0						24	6	1492	15	6
31	24	1348	10	6	29	13	1424	14	0	26	26	1370	19	6	24	5	1493	13	0
31	23	1349	6	0	29	12	1433	3	0	26	25	1373	0	0	24	4	1491	16	6
31	22	1350	3	6	29	11	1440	16	0	26	24	1374	10	6	24	3	1486	18	6
31	21	1351	12	0	29	10	1447	14	6	26	23	1375	17	0	24	2	1478	8	0
31	20	1355	6	0	29	9	1453	17	6	26	22	1377	5	0	24	1	1466	3	6
31	19	1360	4	0	29	8	1459	6	0	26	21	1379	3	6	24	0	1452	18	0
31	18	1366	8	0	29	7	1463	12	0	26	20	1383	8	0					
31	17	1374	0	0	29	6	1466	8	0	26	19	1388	17	0	23	23	1381	14	0

<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>			<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>			<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>			<i>Ages of the Elder Lives.</i>	<i>Ages of the Younger Lives.</i>	<i>Values of the Annuities.</i>		
		<i>£</i>	<i>s.</i>	<i>d.</i>			<i>£</i>	<i>s.</i>	<i>d.</i>			<i>£</i>	<i>s.</i>	<i>d.</i>			<i>£</i>	<i>s.</i>	<i>d.</i>
23	22	1383	7	6	20	17	1421	7	6	17	3	1530	5	0	12	9	1577	8	0
23	21	1385	12	0	20	16	1431	1	6	17	2	1521	16	0	12	8	1584	7	6
23	20	1390	2	6	20	15	1441	9	0	17	1	1509	9	6	12	7	1590	1	6
23	19	1395	17	0	20	14	1451	17	6	17	0	1496	1	0	12	6	1594	2	6
23	18	1402	17	0	20	13	1461	18	6						12	5	1595	14	6
23	17	1411	5	6	20	12	1471	3	6	16	16	1464	14	0	12	4	1594	8	0
23	16	1420	14	0	20	11	1479	13	0	16	15	1475	12	0	12	3	1589	15	0
23	15	1430	15	6	20	10	1487	6	6	16	14	1486	11	0	12	2	1581	3	6
23	14	1440	18	6	20	9	1494	4	0	16	13	1497	2	0	12	1	1568	11	0
23	13	1450	14	0	20	8	1500	6	0	16	12	1506	17	6	12	0	1554	14	6
23	12	1459	14	0	20	7	1505	5	0	16	11	1515	16	0					
23	11	1467	18	6	20	6	1508	13	0	16	10	1523	18	6	11	11	1570	11	6
23	10	1475	7	0	20	5	1509	14	6	16	9	1531	4	0	11	10	1579	7	6
23	9	1482	0	0	20	4	1508	2	0	16	8	1537	14	0	11	9	1587	5	6
23	8	1487	17	6	20	3	1503	6	6	16	7	1543	0	0	11	8	1594	7	0
23	7	1492	12	6	20	2	1494	18	0	16	6	1546	14	0	11	7	1600	3	6
23	6	1495	16	6	20	1	1482	13	6	16	5	1548	0	0	11	6	1604	6	6
23	5	1496	15	0	20	0	1469	8	0	16	4	1546	10	6	11	5	1605	19	6
23	4	1494	19	6						16	3	1541	16	0	11	4	1604	14	6
23	3	1490	2	0	19	19	1411	9	6	16	2	1533	6	6	11	3	1600	1	6
23	2	1481	12	6	19	18	1418	17	6	16	1	1520	19	0	11	2	1591	10	0
23	1	1469	8	0	19	17	1427	14	0	16	0	1507	9	0	11	1	1578	16	6
23	0	1456	2	6	19	16	1437	10	0						11	0	1564	11	6
					19	15	1448	0	0	15	15	1486	13	0					
22	22	1385	3	6	19	14	1458	10	6	15	14	1497	15	6	10	10	1588	6	0
22	21	1387	9	6	19	13	1468	14	0	15	13	1508	9	6	10	9	1596	6	6
22	20	1392	1	6	19	12	1478	1	6	15	12	1518	7	6	10	8	1603	10	0
22	19	1397	18	0	19	11	1486	12	6	15	11	1527	9	0	10	7	1609	9	0
22	18	1405	0	0	19	10	1494	8	6	15	10	1535	14	0	10	6	1613	13	6
22	17	1413	10	0	19	9	1501	7	6	15	9	1543	2	0	10	5	1615	8	0
22	16	1423	0	0	19	8	1507	11	6	15	8	1549	14	6	10	4	1614	4	0
22	15	1433	4	0	19	7	1512	12	0	15	7	1555	2	6	10	3	1609	11	6
22	14	1443	8	6	19	6	1516	1	0	15	6	1568	18	0	10	2	1601	0	0
22	13	1453	5	6	19	5	1517	4	0	15	5	1560	5	6	10	1	1588	6	0
22	12	1462	7	0	19	4	1515	12	0	15	4	1568	17	0	10	0	1574	7	0
22	11	1470	13	0	19	3	1510	17	0	15	3	1564	2	6					
22	10	1478	3	6	19	2	1502	8	6	15	2	1545	12	6	9	9	1604	9	6
22	9	1484	17	6	19	1	1490	3	6	15	1	1533	3	6	9	8	1611	15	6
22	8	1490	16	6	19	0	1476	17	0	15	0	1519	12	0	9	7	1617	16	0
22	7	1495	13	0											9	6	1622	2	6
22	6	1498	18	0	18	18	1426	8	0	14	14	1509	0	6	9	5	1623	18	6
22	5	1499	17	6	18	17	1435	6	6	14	13	1519	18	0	9	4	1622	15	6
22	4	1498	3	0	18	16	1445	5	6	14	12	1529	19	0	9	3	1618	4	0
22	3	1493	6	6	18	15	1455	18	0	14	11	1539	3	0	9	2	1609	12	0
22	2	1484	17	6	18	14	1466	11	0	14	10	1547	11	0	9	1	1596	17	6
22	1	1472	13	0	18	13	1476	16	6	14	9	1555	1	6	9	0	1582	18	0
22	0	1459	7	6	18	12	1486	6	6	14	8	1561	16	0					
					18	11	1495	0	0	14	7	1567	6	6	8	8	1619	3	6
21	21	1389	17	6	18	10	1502	17	6	14	6	1571	3	6	8	7	1625	6	0
21	20	1394	11	6	18	9	1509	19	0	14	5	1572	12	6	8	6	1629	14	6
21	19	1400	9	6	18	8	1516	4	6	14	4	1571	4	6	8	5	1631	12	0
21	18	1407	13	6	18	7	1521	7	0	14	3	1566	10	6	8	4	1630	10	0
21	17	1416	5	6	18	6	1524	17	6	14	2	1568	0	0	8	3	1625	19	0
21	16	1425	17	0	18	5	1526	1	6	14	1	1545	10	0	8	2	1617	7	6
21	15	1436	2	6	18	4	1524	10	6	14	0	1531	16	6	8	1	1604	12	6
21	14	1446	9	0	18	3	1519	15	6						8	0	1590	12	6
21	13	1456	7	6	18	2	1511	7	0	13	13	1530	18	6					
21	12	1465	11	0	18	1	1499	1	6	13	12	1541	2	6	7	7	1631	11	0
21	11	1473	18	6	18	0	1485	14	0	13	11	1550	9	6	7	6	1636	1	0
21	10	1481	10	6						13	10	1559	0	0	7	5	1638	0	0
21	9	1488	6	0	17	17	1444	8	0	13	9	1566	13	0	7	4	1636	19	6
21	8	1494	6	6	17	16	1454	9	6	13	8	1573	10	0	7	3	1632	9	0
21	7	1499	4	6	17	15	1465	4	6	13	7	1579	2	0	7	2	1623	18	0
21	6	1502	11	0	17	14	1476	0	6	13	6	1583	1	6	7	1	1611	3	0
21	5	1503	11	0	17	13	1486	9	0	13	5	1584	11	6	7	0	1597	2	0
21	4	1501	17	6	17	12	1496	1	6	13	4	1583	4	6					
21	3	1497	1	6	17	11	1504	17	0	13	3	1578	11	0	6	6	1640	12	6
21	2	1488	13	0	17	10	1512	17	6	13	2	1569	19	6	6	5	1642	13	0
21	1	1476	9	0	17	9	1520	0	6	13	1	1557	8	6	6	4	1641	14	0
21	0	1463	3	6	17	8	1526	8	6	13	0	1543	13	6	6	3	1637	4	6
					17	7	1531	12	6						6	2	1628	14	0
20	20	1399	7	6	17	6	1535	5	0	12	12	1551	9	6	6	1	1615	19	0
20	19	1405	7	6	17	5	1536	10	0	12	11	1560	19	6	6	0	1601	18	6
20	18	1412	13	6	17	4	1534	19	6	12	10	1569	12	6					

Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.		Ages of the Elder Lives.	Ages of the Younger Lives.	Values of the Annuities.	
		£	s. d.			£	s. d.			£	s. d.			£	s. d.
5	5	1644	15 0	4	4	1643	0 0	3	2	1626	0 6	2	0	1591	11 6
5	4	1643	17 0	4	3	1638	13 0	3	1	1613	9 6	1	1	1593	1 0
5	3	1639	8 6	4	2	1630	4 6	3	0	1599	11 6	1	0	1579	9 0
5	2	1630	19 0	4	1	1617	11 6					Birth.	Birth.	1566	0 0
5	1	1618	5 0	4	0	1603	12 6	2	2	1617	16 0				
5	0	1604	4 6					2	1	1605	7 0				
				3	3	1634	7 6								

TABLE III.

The Values of an Annuity of 100*l.* per Annum, for any Number of Years not exceeding 95.

Years.	Values.	Years.	Values.	Years.	Values.	Years.	Values.
	£ s. d.		£ s. d.		£ s. d.		£ s. d.
1	96 3 0	25	1562 4 0	49	2134 2 6	73	2357 5 0
2	188 12 0	26	1598 5 6	50	2148 4 0	74	2362 15 0
3	277 10 0	27	1632 19 0	51	2161 14 6	75	2368 0 6
4	362 19 6	28	1666 6 0	52	2174 15 0	76	2373 2 0
5	445 3 6	29	1698 7 0	53	2187 5 0	77	2377 19 6
6	524 4 0	30	1729 4 0	54	2199 5 6	78	2382 13 6
7	600 4 0	31	1758 16 6	55	2210 17 0	79	2387 4 0
8	673 5 0	32	1787 7 0	56	2221 19 6	80	2391 10 6
9	743 10 6	33	1814 15 0	57	2232 13 0	81	2395 14 0
10	811 1 6	34	1841 2 0	58	2242 19 0	82	2399 14 0
11	876 0 6	35	1866 9 0	59	2252 16 6	83	2403 11 6
12	938 10 0	36	1890 16 6	60	2262 6 6	84	2407 5 6
13	998 11 0	37	1914 5 0	61	2271 9 6	85	2410 17 0
14	1056 6 0	38	1936 15 6	62	2280 5 6	86	2414 5 6
15	1111 16 6	39	1958 8 6	63	2288 14 6	87	2417 11 6
16	1165 4 6	40	1979 5 6	64	2296 17 0	88	2420 14 6
17	1216 11 0	41	1999 6 0	65	2304 13 0	89	2423 15 6
18	1265 18 6	42	2018 11 0	66	2312 3 6	90	2426 14 6
19	1313 7 6	43	2037 1 6	67	2319 8 0	91	2429 10 6
20	1359 0 6	44	2054 17 6	68	2326 7 0	92	2432 5 0
21	1402 18 0	45	2072 0 0	69	2333 0 6	93	2434 17 0
22	1445 2 0	46	2088 9 0	70	2339 9 0	94	2437 7 0
23	1485 13 6	47	2104 5 6	71	2345 12 6	95	2439 15 6
24	1524 13 6	48	2119 10 0	72	2351 11 0		

## RULES

For inferring the Value of an Annuity of 100*l.* per Annum, held on the longest of Two Lives:

Also, the Value of an Annuity of 100*l.* per Annum, held on the joint Continuance of Three Lives:

Also, the Value of an Annuity of 100*l.* per Annum, held on the longest of Three Lives.

Rule for determining the Value of an Annuity of 100*l.* per Annum, held on the longest of Two Lives.

The values of an annuity of 100*l.* per annum, held on each of the single lives, to be added together, (from Table I), and from this sum the value of an annuity held on the joint continuance of the two lives (from Table II) to be subtracted; the result is the value of an annuity of 100*l.* per annum, held on the longest of the two lives.

Rule for determining the Value of an Annuity of 100*l.* per Annum, held on the joint Continuance of Three Lives.

The value of an annuity of 100*l.* per annum on the joint continuance of the two elder lives is to be found from Table II. The age of a single life of the same (or nearest) value, with the annuity on the said joint lives, to be found from Table I. The value of an annuity of 100*l.* per annum on the joint continuance of this life and the younger life from Table II, 5*l.* being deducted from this sum, the remainder is the value of an annuity of 100*l.* per annum held on the joint continuance of the three lives.

Rule for determining the Value of an Annuity of 100*l.* per Annum, held on the longest of Three Lives.

The values of an annuity of 100*l.* per annum for each of the three single lives to be extracted from Table I, and to be added together. The value of an annuity of 100*l.* per annum on the joint continuance of the two youngest lives, also the

value of an annuity of 100*l.* per annum on the joint continuance of the two eldest lives, also the value of an annuity of 100*l.* per annum on the joint continuance of the oldest life and the youngest life, (all found by Table II), to be subtracted from the sum or addition of the annuities on the three single lives: to the result is to be added the value of an annuity of 100*l.* per annum held on the joint continuance of the three lives; the amount is the value of an annuity of 100*l.* per annum on the longest of the three lives.

## Further Rule.

And in all cases where the annuity shall be for more than three lives, the same shall be valued as an annuity for the three youngest of such lives; and where the annuity shall be given for a longer term of years than ninety-five years, or in perpetuity, the same shall be valued as an annuity for ninety-five years only.

## CAP. LII.

An Act to extend the Time for constructing a new Street from Spitalfields to Shoreditch, and to amend the Acts relating thereto. [4th August, 1853.]

## CAP. LIII.

An Act to amend the Laws relating to Bankruptcy in Scotland. [4th August, 1853.]

## CAP. LIV.

An Act to alter certain Duties of Customs. [4th August, 1853.]

## CAP. LV.

An Act to make better Provision for the efficient Discharge of the Duties of the Taxing Officer in and for the Common Law Business in Ireland. [4th August, 1853.]

## CAP. LVI.

An Act to facilitate the Redemption of certain Charges on the Hereditary Possessions and Land Revenues of the Crown, and to make other Provisions in regard to the Management of such Hereditary Possessions and Land Revenues.

[4th August, 1853.]

## CAP. LVII.

An Act to explain and amend the Copyhold Acts.

[4th August, 1853.]

- Sect. 1. *Removing Doubts as to Enfranchisement, &c. of Lands holden of Ecclesiastical Corporations.*  
 2. *Commutations or Enfranchisements in Consideration of Surrender of limited Interests confirmed.*  
 3. *Enfranchisements that may be effected under other Acts may also be effected under Copyhold Acts.*  
 4. *Application of Consideration Money in Cases where Enfranchisement might have been effected under the 14 & 15 Vict. c. 104.*  
 5. *Trustees appointed by Commissioners to have all such Powers as if within the Scope of Sect. 14 of 6 & 7 Vict. c. 23.*  
 6. *Trustees appointed by Copyhold Commissioners to transfer the Funds to Ecclesiastical Commissioners.*  
 7. *Liability of Trustees to cease.*  
 8. *Pending Proceedings to be completed. Recital or Indorsement to be Evidence.*  
 9. *Ecclesiastical Commissioners to give Memorandum of Payment, Conveyance, or Transfer. Memorandum to be Evidence.*  
 10. *Costs, how to be settled.*  
 11. *Act to be Part of Copyhold Acts.*

Whereas doubts have arisen as to the construction of the Copyhold Acts, and also of the act of the 14 & 15 Vict. [c. 104], "to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," and as to the powers under the provisions of the first-recited acts of ecclesiastical corporations, sole or aggregate, to enfranchise lands, and of the Copyhold Commissioners to confirm or consent to such enfranchisements, and to nominate trustees to receive and apply money paid for such enfranchisements; and it is expedient to remove such doubts, and further to amend the said Copyhold Acts: be it therefore enacted &c. as follows:—

Sect. 1. The provisions of the Copyhold Acts concerning the commutation of manorial rights in lands and the enfranchisement of lands, and concerning the payment of monies to be paid for enfranchisement where the lord is only entitled to a limited estate or interest, or is under legal disability, shall be deemed to have extended, and subject to the provisions herein contained shall continue to extend, to lands holden of any ecclesiastical corporation, sole or aggregate, and lands parcel of any manor belonging to any such corporation, and the application of the said provisions, or any of them, to such lands, shall not be deemed to have been interfered with by the said act of the 14 & 15 Vict.

2. No commutation or enfranchisement by any ecclesiastical corporation, sole or aggregate, already made or purporting to be made under the Copyhold Acts, or any of them, or to be made in pursuance of any agreement already approved of by the Copyhold Commissioners, shall be impeached by reason of the consideration or part of the consideration for the same having been or being a surrender of any lands held for a life or lives or years without right of renewal, or for any terminable or limited estate or interest.

3. All lands, except as hereinafter excepted, which are capable of enfranchisement by the exercise of any powers contained in any other act of Parliament, or which may be otherwise enfranchised irrespectively of the Copyhold Acts, shall also be capable of being enfranchised under the powers and provisions of the Copyhold Acts, and by the sole authority of those powers and provisions, and without any other consent or authority than such as is required by the provisions of the same acts: provided always, that lands held for a life or lives or for years of any manor belonging, either in possession or reversion, to any ecclesiastical corporation, where the tenant of such lands hath not a right of renewal, shall not hereafter be dealt with under the Copyhold Acts, except in the cases hereinafter particularly mentioned.

4. Whenever proceedings which have been or shall be commenced under the provisions of the Copyhold Acts for the enfranchisement of any lands shall terminate in enfranchisement, and it shall appear to the Copyhold Commissioners that the enfranchisement was one which might have been effected under the provisions of the said act of the 14 & 15 Vict. [c. 104], the monies or rent-charges which form the consideration of such enfranchisement shall be paid and applied to the same account and in the same manner as if such enfranchisement had been effected under the said act of the 14 & 15 Vict. [c. 104], and all the provisions of the said last-mentioned act which affect the application of enfranchisement monies under that act shall be applicable to such enfranchisements as aforesaid made under the provisions of the Copyhold Acts, and the Church Estates Commissioners and Ecclesiastical Commissioners shall respectively have the same powers over such consideration monies, or the interest accruing thereon, or upon land, rent-charges, or securities acquired in respect thereof, and also over or against any ecclesiastical corporation interested therein, as such commissioners respectively would have had if such enfranchisement had been effected with the consent of the said Church Estates Commissioners, and under the provisions of the said act of the 14 & 15 Vict. [c. 104]; and where the consideration money for any such enfranchisement has been paid into the Bank of England to the credit of the Accountant-General of the Court of Chancery ex parte the Copyhold Commission, and has not been invested, the said Accountant-General shall, upon the order of the Court of Chancery to be made upon a petition to be presented to the said Court by the said Ecclesiastical Commissioners, cause such money to be paid or transferred to such account in the Bank of England as the said Church Estates Commissioners shall in each case appoint: provided always, that it shall be lawful for the said Court to order that all the costs and expenses incurred in the obtaining of such order shall be paid out of such money previous to its payment or transfer to the account appointed by the said Church Estates Commissioners; and in case of various funds being included in the said order, to direct the distribution of such costs amongst the several funds in such manner as the said Court shall think fit.

5. And whereas, in cases of enfranchisement by ecclesiastical corporations effected or purporting to be effected under the Copyhold Acts, the monies paid for enfranchisement for the lord's rights have been paid into the hands of trustees nominated under the hands and seal of the Copyhold Commissioners, to be applied by the said trustees, with the consent of the said commissioners, in the manner directed and specified in the said Copyhold Acts of and concerning any money to be paid for enfranchising under the said acts into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Chancery: be it enacted, that in all cases where trustees have been so appointed by the said commissioners, such appointments shall be deemed to be, and the same are hereby declared to be, valid and effectual, and within the scope and intent of the 14th section of the act of the 6 & 7 Vict. c. 23, and such trustees are hereby declared to have and to have had all such powers and liabilities; and all acts done by such trustees, and all consents and confirmations by the Copyhold Commissioners in relation to the acts of such trustees, shall be and are declared to have been as valid and effectual as in the case of other trustees nominated according to the scope and intent of the said section of the said last-mentioned act.

6. Provided always, that in all cases wherein trustees have been so appointed by the said Copyhold Commissioners, and shall stand possessed of monies paid for enfranchisement of lands subject to manorial or other rights of ecclesiastical corporations, or of lands or securities in respect thereof, the Copyhold Commissioners shall, by an order under their hands and seal, direct such trustees to pay over the monies of which they may so stand possessed, or to convey such land or transfer such securities, to the Ecclesiastical Commissioners of England, who are hereby required to accept the same, and to apply such monies, land, or securities respectively, and the land or securities to be purchased with such money respectively, in the manner directed and specified in the Copyhold Acts of and concerning any money to be paid for enfranchising under the said acts into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Chancery.

7. When such trustees shall have paid over, conveyed, or



transferred to the Ecclesiastical Commissioners, in pursuance of this act, the whole of the monies, land, or securities of which they may so stand possessed as aforesaid, their liabilities as such trustees in respect of any such monies, land, or securities shall cease and determine, and the expenses of all such payments, conveyances, or transfers shall be paid by the Ecclesiastical Commissioners out of any monies that may come into their possession in respect of the money, land, or securities so to be paid over, conveyed, or transferred.

8. All agreements for the enfranchisement of lands held of any ecclesiastical corporation for a life or lives or for years, where the tenants thereof have not a right of renewal, which have been entered into with the consent of the Copyhold Commissioners before the passing of this act, shall be valid and effectual, and such enfranchisements shall be capable of being completed under the Copyhold Acts, notwithstanding the proviso hereinbefore contained, but the money to be paid for such enfranchisements shall be paid and applied in the manner hereinbefore particularly mentioned; and a recital in the instrument of enfranchisement, or an indorsement thereon, under the seal of the Copyhold Commissioners, that the agreement for such enfranchisement was entered into, with such consent as aforesaid, before the passing of this act, shall be conclusive evidence thereof.

9. In all cases where any trustees as aforesaid shall have paid over, conveyed, or transferred any monies, land, or securities to the Ecclesiastical Commissioners in pursuance of any order under the hands and seal of the Copyhold Commissioners, or when any money shall be paid to the Ecclesiastical Commissioners for enfranchisements, the proceedings in respect of which were commenced before the passing of this act, the Ecclesiastical Commissioners shall, at the request of the Copyhold Commissioners, deliver to the Copyhold Commissioners a memorandum of the payment of the monies, or the conveyance of the land, or the transfer of the securities, as the case may be, and such memorandum shall be evidence of the fact of such payment, conveyance, or transfer.

10. That in all cases of enfranchisement under the Copyhold Acts all costs properly payable by any persons interested in the enfranchisement of any land shall be settled and ascertained by the commissioners or assistant commissioners, (pursuant to the provisions of the act passed in the 15 & 16 Vict.); and that no costs or expenses shall be recoverable from any person whomsoever of, or relating to, or by reason of any enfranchisement, until the same shall have been certified under the hands and seal of the said commissioners or of an assistant commissioner to have been reasonably and properly incurred.

11. This act shall be taken and construed as part of the recited Copyhold Acts.

(To be continued).

## LONDON GAZETTES.

FRIDAY, SEPTEMBER 2.

### BANKRUPTS.

THOMAS PICKFORD, Greenwich, Kent, butcher, Sept. 12 and Oct. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Heathfield, 8, Featherstone-buildings, Holborn.—Petition filed Aug. 23.

MICHAEL CAUFIELD, Basinghall-st., London, woollen warehouseman, Sept. 14 at half-past 11, and Oct. 12 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Sole & Co., 68, Aldermanbury.—Petition filed Aug. 30.

JOSEPH HEATH, Cheam, Buckinghamshire, chemist and druggist, Sept. 10 at 11, and Oct. 21 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Buchanan, 8, Basinghall-st., London.—Petition filed Sept. 1.

CHARLES JOHN KELSON, Clifton, Bristol, apothecary, dealer and chapman, Sept. 15 and Oct. 11 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Wallis, Bristol.—Petition filed Aug. 31.

RICHARD WILLIAMS, late of Dowlais, Glamorganshire, grocer and tea dealer, dealer and chapman, but now of Welsh Back, Bristol, Sept. 15 and Oct. 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Redwood, Cowbridge, Glamorganshire; Abbot & Lucas, Bristol.—Petition filed Aug. 3.

### MEETINGS.

Stephen Evans, Troedyrhiw, near Merthyr Tydvil, Glamorganshire, grocer, Sept. 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Sept. 29 at 11, div.—John Wood and Edwin Norton, Hoyland Nether, Wath-upon-Dearne, Yorkshire, corn millers, Sept. 23 at 11, District Court of Bankruptcy, Leeds, div.—John Allott, New Miller Dam, Sandal Magna, Yorkshire, banker, Sept. 23 at 11, District Court of Bankruptcy, Leeds, div.—Edmund Nicholson, York, tailor, Sept. 23 at 11, District Court of Bankruptcy, Leeds, div.—John Heywood and James Heywood, Liverpool, provision merchants, Sept. 27 at 11, District Court of Bankruptcy, Liverpool, div.—Joseph R. Pim, Birkenhead, Cheshire, brick maker, Sept. 23 at 11, District Court of Bankruptcy, Liverpool, div.—Wm. T. Carr, Barnsley and Oughtibridge, Yorkshire, ironmonger, Sept. 23 at 11, District Court of Bankruptcy, Leeds, div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

J. F. B. Cabburn, Cumberland-row, King's-cross, Middlesex, licensed victualler, Sept. 24 at 12, Court of Bankruptcy, London.—George A. Eades, Landport, Portsea, Hampshire, grocer, Sept. 24 at 1, Court of Bankruptcy, London.

To be granted, unless an Appeal be duly entered.

Edward Parker, Cheapside, London, and Chadwell-street, St. John-street-road, Middlesex, stationer.—John Scott, Titchbourne-street, Haymarket, Middlesex, hosier.—Emilio Piatrucci, Salisbury-street, Strand, Middlesex, lithographic artist.

### PARTNERSHIP DISSOLVED.

George Capes and John Stuart, Gray's-inn, Middlesex, attornies and solicitors, (under the firm of Capes & Stuart).

### SCOTCH SEQUESTRATIONS.

John Wood, Edinburgh, writer.—Allan M'Dougall, Glasgow, wine merchant.—Thomas Young, Glasgow, dealer in shares of joint-stock companies.

### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

James R. Taylor, Birmingham, pearl button manufacturer, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—John Slater, Birmingham, grocer, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—W. Beech, Birmingham, fire-iron maker, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—Solomon Beech, Birmingham, grocer, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—John Etheridge, Birmingham, baker, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—D. A. Grattidge, Birmingham, draper, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—George Finnermore, Birmingham, hosier, Sept. 24 at 10, County Court of Warwickshire, at Birmingham.—Charles T. Clarke, Whitehaven, Cumberland, commission agent, Sept. 20 at 10, County Court of Cumberland, at Whitehaven.—John Tull, New Shoreham, Sussex, earthenware dealer, Sept. 10 at 10, County Court of Sussex, at Brighton.—Thomas J. H. Case, Brighton, Sussex, out of employ, Sept. 10 at 10, County Court of Sussex, at Brighton.—T. Munn the younger, Brighton, Sussex, plumber, Sept. 10 at 10, County Court of Sussex, at Brighton.—H. Edridge, Brighton, Sussex, pewterer, Sept. 10 at 10, County Court of Sussex, at Brighton.—J. Hubbard, Margate, Kent, sail maker, Sept. 12 at 12, County Court of Kent, at Margate.—George Blyton, Market Rasen, Lincolnshire, miller, Sept. 17 at 11, County Court of Lincolnshire, at Market Rasen.—Jas. Wm. Darnell, Great Yarmouth, Norfolk, baker, Sept. 28 at 10, County Court of Norfolk, at Great Yarmouth.—Chas. Tooley, Great Yarmouth, Norfolk, baker, Sept. 28 at 10, County Court of Norfolk, at Great Yarmouth.—G. Roberts, Washbrook, near Ipswich, Suffolk, brickmaker, Sept. 16 at 10, County Court of Suffolk, at Ipswich.—John Wood, Gosbeck, Suffolk, farmer, Sept. 16 at 10, County Court of Suffolk, at Ipswich.—John Adamson, Saxelby, Lincolnshire, bricklayer, Sept. 30 at 9, County Court of Nottinghamshire, at Newark.—Jas. Burrow, Carlisle, Cumberland, joiner, Sept. 19 at 10, County Court of Cumberland, at Carlisle.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 4 at 10, before the CHIEF COMMISSIONER.*

*Richard Pitt the younger, William-st., St. Peter-street, Islington, Middlesex, shopman to a clothier.—James Field, Leader-terrace, Leader-st., Chelsea, Middlesex, grocer.—R. Rowed, Ealing, Middlesex, out of business.—Geo. Cranstone, Arundel-grove, Kingsland, Middlesex, master builder.—James Bennett Ashby the younger, Water-lane, Homerton, St. John's, Hackney, Middlesex, baker.—Chas. Collins, Lyon's-mews, Aberdeen-place, Maida-hill, Middlesex, carman.—Geo. Wm. Seager, Strand, Middlesex, barman to a licensed victualler.—T. Keen, Buckingham-place, Maiden-lane, King's-cross, Middlesex, dealer in sweetmeats.*

*Nov. 4 at 11, before Mr. Commissioner MURPHY.*

*Reinhold Reichliuser, Red Lion-st., Holborn, Middlesex, tailor.—Lewis Hand, Great James-st., Bedford-row, Middlesex, attorney's clerk.—James Miller, Little Queen-st., Bryanstone-square, Middlesex, milkman.*

*Nov. 7 at 10, before the CHIEF COMMISSIONER.*

*Joseph Wells, Artillery-st., Waterloo-town, Bethnal-green, Middlesex, straw bonnet maker.—Wm. Henry Davies, Tavistock-st., Covent-garden, Middlesex, shoemaker.—G. Swann, York-terrace, York-road, Battersea, Surrey, chandler-shop keeper.—Andrew Cassels Howden, Bartholomew-road, Park-road, Holloway, Middlesex, and Adams-court, Old Broad-st., London, Scotch law and Parliamentary agent.—Conrad Ders, Broad-st., Bloomsbury, Middlesex, baker.*

*Nov. 7 at 11, before Mr. Commissioner PHILLIPS.*

*John Kitchen, Beer-lane, Thames-street, London, lighterman.—Wm. Northfield, Anchor-terrace, Maltby-road, Old Kent-road, Surrey, dealer in hops.—W. Liddelow, Drayton-road, Ledbury-road, Bayswater, Middlesex, out of business.—Jonathan Knight, Edward-place, Seymour-street, Marylebone, Middlesex, whitesmith.—Henry Howard, Clerkenwell-green, Middlesex, grocer.—Charles Poole, Uxbridge, Middlesex, out of business.—Edward Wallis, York-place, Water-lane, Brixton, Surrey, retailer of beer.—Ann M. Chalkley, widow, Brick-lane, St. Luke's, Middlesex, butcher.—John Cooley, Smith-street, Stepney, Middlesex, commission agent.—Andrew J. Batten, Uxbridge, Middlesex, butcher.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 19 at 10, before the CHIEF COMMISSIONER.*

*John Day, Malina-place, Cambridge-heath, Hackney, Middlesex, jewellers' cabinet maker.—Michael Kelly, Buck's-row, Whitechapel-road, Middlesex, baker.—Joseph Henry Ellis, Tibborton-square, Islington, Middlesex, shoemaker.*

*Sept. 19 at 11, before Mr. Commissioner PHILLIPS.*

*Abraham Bayford, Cumberland-row, Battle-bridge, Middlesex, retailer of beer.—Benjamin B. Anthony, Denbigh-street, Pimlico, Middlesex, clerk to an accountant.—William Gambell, Maidenhead-court, Cannon-street, City, plumber.*

*Sept. 19 at 11, before Mr. Commissioner MURPHY.*

*Geo. Hobb Williams, Long-lane, Smithfield, Middlesex, hairdresser.—John Compton, High-street, Marylebone, Middlesex, merchant's clerk.—Wm. Ray, Church-row, Sutton-street, Commercial-road East, Middlesex, out of business.*

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Sept. 13 at 10.*

*Richard Franks, Stoke Damerel, mason.*

*At the County Court of Gloucestershire, at BRISTOL, Sept. 21 at 11.*

*Alex. Halcomb, Bodminster, Bristol, licensed victualler.*

*At the County Court of Derbyshire, at DERBY, Oct. 1 at 12.*

*Samuel Hartley, Bolsover, butcher.*

#### MEETINGS.

*Joseph Hackett, Deeping St. James, near Market Deeping, Lincolnshire, stonemason, Sept. 19 at 11, Thompson & Phillips's, Stamford, sp. aff.—John Eastwood, Shawforth, near Rochdale, Lancashire, butcher, Sept. 21 at 10, Hartley's, Rochdale, sp. aff.*

#### TUESDAY, SEPTEMBER 6.

##### BANKRUPTS.

**CHARLES CRAKE HAMILTON**, Little Queen-street, Lincoln's-inn-fields, Middlesex, ironmonger and smith, Sept. 14 at 2, and Oct. 19 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Atkinson, 51, Bedford-row.—Petition filed Sept. 23.

**THOMAS LAMPERT POWELL**, Romsey, Hampshire, upholsterer, cabinet maker, and appraiser, Sept. 13 at half-past 11, and Oct. 19 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Allen & Nicol, 88, Queen-street, Cheapside.—Petition filed Aug. 29.

**SIMON LAZARUS OPPENHEIM**, Broad-street-buildings, London, merchant, Sept. 17 at half-past 12, and Oct. 28 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed Sept. 3.

**CHARLES SCOTT RENDLE**, Brook-terrace, Old Kent-road, and Brixton-hill, Surrey, boot and shoe manufacturer, Sept. 16 at half-past 12, and Oct. 28 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Wright, 126, Chancery-lane.—Petition filed Aug. 26.

**JOHN JAMES RYAN**, Edward-street, Portman-square, Middlesex, milliner, dealer and chapman, (trading under the style or firm of Madame Ryan), Sept. 16 at half-past 11, and Oct. 28 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed Aug. 25.

**WILLIAM BARRATT**, Stourbridge, Worcestershire, butcher, dealer and chapman, Sept. 20 and Oct. 11 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Collis, Stourbridge.—Petition dated Aug. 29.

**JOHN ROBSON**, Durham, miller and flour dealer, Sept. 15 at 1, and Oct. 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne.—Petition filed Aug. 27.

#### MEETINGS.

*Aldborough R. Davies*, New-court, Bow-lane, London, wine merchant, Sept. 20 at 12, Court of Bankruptcy, London, ch. ass.—*Joseph R. Pim*, Birkenhead, Cheshire, brickmaker, Sept. 22 at 11, District Court of Bankruptcy, Liverpool, ch. ass. and aud. ac.—*John White*, Charles-street, Tottenham-court-road, Middlesex, draper, Oct. 4 at 12, Court of Bankruptcy, London, last ex.—*Wm. Thomas*, Aberdare, Glamorganshire, grocer, Sept. 29 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Thomas Roberts*, Hunstret, near Leeds, Yorkshire, glass bottle maker, Sept. 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Louisa Foster*, Paignton, Devonshire, linendraper, Sept. 22 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 29 at 1, div.—*Thomas N. Ashman*, Yeovil, Somersetshire, currier, Sept. 22 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 29 at 1, div.—*Thomas Luckes*, Exeter, provision dealer, Sept. 22 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 29 at 1, div.—*George H. Julian*, Exeter, coal dealer, Sept. 22 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 29 at 1, div.—*John G. Upward*, Lyme Regis, Dorsetshire, draper, Sept. 22 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 29 at 1, div.—*Richard Pike*, East Stonehouse, Devonshire, butcher, Oct. 10 at half-past 10, District Court of Bankruptcy, Exeter, aud. ac. and div.—*John Fleetwood*, Liverpool, grocer, Sept. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Isaac Hodgkinson*, Bolton-le-Moors, Lancashire, ironfounder, Sept. 30 at 12, District Court of Bankruptcy, Manchester, div.—*J. Power* and *John Wallace*, Liverpool, merchants, Sept. 30 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *J. Power*.—*I. L. Mocatta*, Liverpool, commission merchant, Sept. 30 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Alexander Jacobs*, Moorgate-street, London, and Torquay,

Devonshire, builder, Oct. 4 at half-past 12, Court of Bankruptcy, London.—*L. F. Bellott*, Old Jewry-chambers, London, merchant, Oct. 4 at 11, Court of Bankruptcy, London.—*Isaac Barnett*, Gloucester-terrace, Hoxton Old-town, Middlesex, watchmaker, Oct. 4 at 1, Court of Bankruptcy, London.—*Robert Johnston*, Gracechurch-street, London, ironmonger, Oct. 6 at half-past 12, Court of Bankruptcy, London.—*Vincent Deparis*, Mark-lane, London, merchant, Oct. 5 at 12, Court of Bankruptcy, London.—*Charles Percival*, Greenwich, Kent, dealer in china, Oct. 6 at half-past 1, Court of Bankruptcy, London.—*Wm. Austin*, Grove, Great Guildford-street, Southwark, and New-street, Southwark-bridge-road, Surrey, ironfounder, Oct. 6 at 12, Court of Bankruptcy, London.—*George Franks*, Blackfriars-road, Surrey, surgeon, Sept. 28 at half-past 1, Court of Bankruptcy, London.—*Thos. Casson*, Liverpool, coach builder, Sept. 29 at 11, District Court of Bankruptcy, Liverpool.—*John Mifnes*, Rochdale, Lancashire, woolstapler, Oct. 17 at 12, District Court of Bankruptcy, Manchester.—*John Malley*, Lancaster, silversmith, Sept. 27 at 12, District Court of Bankruptcy, Manchester.—*Robert Cocker*, Hathersage, Derbyshire, merchant, Sept. 28 at 12, District Court of Bankruptcy, Manchester.—*Thomas Carter*, Preston, Lancashire, corn merchant, Sept. 28 at 12, District Court of Bankruptcy, Manchester.—*John Marshall*, Shipston-on-Stour, Worcestershire, corn dealer, Oct. 9 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Bradshaw*, Birmingham, victualler, Sept. 27 at 12, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Francis Robt. Graham*, Fleet-street, London, licensed victualler.—*Edward Green*, Cork-street, Westminster, Middlesex, tailor.—*Edward W. Urem*, Totnes, Devonshire, builder.

#### PARTNERSHIP DISSOLVED.

*George B. Withington*, *John A. Petty*, and *Samuel M. Barton*, Manchester, attorneys and solicitors, (under the firm of Withington, Petty, & Barton).

#### SOOTON SEQUESTRATIONS.

*Wm. Darling*, Edinburgh, merchant.—*John Stewart*, Dundee, brewer.—*D. Campbell*, Thurso, merchant.—*J. Farrer*, Dumfries, leather merchant.—*John Currie*, Springhall-mill, Roxburghshire, farmer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Thomas Powell*, Bayston-hill, St. Julian, Shropshire, pump maker, Sept. 20 at 10, County Court of Shropshire, at Shrewsbury.—*Thomas Heard*, Henham, Essex, wheelwright, Sept. 15 at 10, County Court of Hertfordshire, at Bishop's Stortford.—*J. Soer* the younger, Nottingham, butcher, Sept. 29 at 9, County Court of Nottinghamshire, at Nottingham.—*Wm. North*, Nottingham, pork butcher, Sept. 29 at 9, County Court of Nottinghamshire, at Nottingham.—*T. Richards*, Whitstable, Kent, mariner, Sept. 14 at 10, County Court of Kent, at Canterbury.—*E. Cornwell*, Canterbury, Kent, milliner, Sept. 14 at 10, County Court of Kent, at Canterbury.—*J. Spain*, Canterbury, Kent, assistant grocer, Sept. 14 at 10, County Court of Kent, at Canterbury.—*Phoebe Cornwell*, Canterbury, Kent, milliner, Sept. 14 at 10, County Court of Kent, at Canterbury.—*Chas. Storr*, Lincoln, tailor, Sept. 20 at 12, County Court of Lincolnshire, at Lincoln.—*Geo. Derracott*, Swansea, Glamorganshire, commission agent, Sept. 16 at 10, County Court of Glamorganshire, at Swansea.—*Wm. Applebee*, South Petherton, Somersetshire, draper, Oct. 27 at 11, County Court of Somersetshire, at Crewkerne.—*Emmanuel Neake*, Wolverhampton, Staffordshire, painter, Sept. 27 at 9, County Court of Staffordshire, at Wolverhampton.—*Wm. Smith*, Bilston, Staffordshire, butcher, Sept. 27 at 9, County Court of Staffordshire, at Wolverhampton.—*John Sutton*, Wolverhampton, Staffordshire, bricklayer, Sept. 27 at 9, County Court of Staffordshire, at Wolverhampton.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Nov. 9 at 10, before the CHIEF COMMISSIONER.

*Thomas Chambers*, Cross-street, Carnaby-st., Carnaby-

market, Middlesex, general-shop keeper.—*Frederick Swinerton*, Whitmore-road, Hoxton, Middlesex, engineer.—*R. Young*, Mount-row, Davies-st., Berkeley-square, Middlesex, messenger.

Nov. 9 at 11, before Mr. Commissioner MURPHY.

*Wm. Gascoyen Massey*, Queen-square, Aldergate-street, London, clerk in the Inland-office, General Post-office, St. Martin's-le-Grand, London.—*John Towers*, Furnival's-inn, Holborn, Middlesex, out of business.—*John Fotherby*, Gibson-st., Waterloo-road, Lambeth, Surrey, cabinet maker.—*Wm. Clark*, High-st., Deptford, Kent, baker.—*H. Stark*, Uxbridge-road, Ealing, Middlesex, grocer.—*Henry Brown*, Samuel-st., Woolwich, Kent, out of business.

Saturday, Sept. 3.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*David Geo. Thompson*, Carlton-square, New-cross, Surrey, engraver: in the Gaol of Surrey.—*Wm. Henry Smith*, Gleggall-grove, Old Kent-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Albert*, Stockwell-place, Clapham-road, Surrey, tailor: in the Gaol of Surrey.—*John Mason*, Great Chapel-st., Broadway, Westminster, Middlesex, tobacconist: in the Debtors Prison for London and Middlesex.—*Henry Charles Moorhead Hawkey*, Winchester, Southampton, captain in the Royal Marines: in the Gaol of Winchester.—*James Miller*, Andover, Southampton, out of business: in the Gaol of Winchester.—*Edward Holmes*, Halifax, Yorkshire, joiner: in the Gaol of York.—*Joseph Smallman*, Strood, Kent, blacksmith: in the Gaol of Maidstone.—*Edw. Cresswell*, Hulme, Manchester, attorney-at-law: in the Gaol of Lancaster.—*John Stevenson Busham*, Dover, Kent, doctor of medicine: in the Gaol of Dover.—*J. Pomeroy Owens*, Liverpool, out of business: in the Gaol of Lancaster.—*Chas. Shaw*, Dobcross, Saddleworth, Yorkshire, out of business: in the Gaol of York.—*Wm. Peel*, Bradford, Yorkshire, painter: in the Gaol of York.—*Thomas Shaw*, Halifax, Yorkshire, innkeeper: in the Gaol of York.—*Joseph Howarth* the younger, Pudsey, near Leeds, Yorkshire, manufacturing chemist: in the Gaol of York.—*David Smalle*, Kingston-upon-Hull, hop merchant: in the Gaol of Hull.—*Charles Neate*, Devizes, Wiltshire, grocer: in the Gaol of Fisherton Anger.—*Jones Woodhead*, Clifton, near Halifax, Yorkshire, out of business: in the Gaol of York.—*Michael Dillon*, Leeds, Yorkshire, licensed hawk: in the Gaol of York.—*Wm. Milson*, Bradford, Yorkshire, joiner: in the Gaol of York.—*John Heywood*, Camberworth, near Huddersfield, Yorkshire, farmer: in the Gaol of York.—*Abraham Goodare*, Bradford, Yorkshire, agent: in the Gaol of York.—*Chas. Carr*, Liversidge, near Leeds, Yorkshire, beer-shop keeper: in the Gaol of York.—*Barnabas Marshall*, Knarborough, Yorkshire, grocer: in the Gaol of York.—*George Darnall Robinson*, Manchester, licensed victualler: in the Gaol of Lancaster.—*R. Atkinson Stead*, Chestwood, near Manchester, stonemason: in the Gaol of Lancaster.—*Jas. Nodm*, Salford, Lancashire, confectioner: in the Gaol of Lancaster.—*David Bingham*, Manchester, baker: in the Gaol of Lancaster.—*Edw. Langtree*, Hulme, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*Robert Nabbs*, Gorton, near Manchester, out of business: in the Gaol of Lancaster.—*Jas. Knowles*, Liverpool, mariner: in the Gaol of Lancaster.—*Joe. Beech*, Manchester, out of business: in the Gaol of Lancaster.—*S. Smith*, Broughton, Manchester, commission agent: in the Gaol of Lancaster.—*Peter Bates*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*William Davis*, Uckingham, Ripple, Worcestershire, dealer in cattle: in the Gaol of Worcester.

(On Creditor's Petition).

*Thomas Coake*, Hill-house, near Ferryhill, Durham, farmer: in the Gaol of Durham.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Sept. 20 at 10, before the CHIEF COMMISSIONER.

*W. Bateman*, Humphrey's-cottages, Twickenham-common, Twickenham, Middlesex, out of business.—*Geo. Byles*, Little Stanmore, Edgware, Middlesex, carpenter.—*James Mosley*, Mount-place, Whitechapel-road, Middlesex, carpenter.

Sept. 20 at 11, before Mr. Commissioner PHILLIPS.

*Benjamin Thompson*, Queen's-road, Chelsea, Middlesex, bill discounter.—*James Clarke*, Sussex-place, Hammersmith, Middlesex, retired captain in the Hon. East India Company's Service.—*Henry Howse*, Middlesex-place, Marylebone, Middlesex, accountant.

Sept. 20 at 11, before Mr. Commissioner MURPHY.

*Ebenezer Price*, York-street, City-road, Middlesex, licensed retailer of beer.—*John F. Stephens*, Basinghall-street, London, woollen warehouseman.—*Wm. E. Brown*, Commercial-square, Minories, London, master mariner.

Sept. 21 at 10, before the CHIEF COMMISSIONER.

*Malcolm M. Maclean*, John-street, Adelphi, Middlesex, one of the directors of the late Oxford, Thame, and High Wycombe Railway Company.—*John Brown*, Bradley-terrace, Wandsworth-road, Surrey, out of business.—*Wm. Dunbar*, Lacy-terrace, Penton-place, Walworth, Surrey, coal dealer.

Sept. 21 at 11, before Mr. Commissioner PHILLIPS.

*John G. Bartlett*, Phoenix-street, Somers-town, Middlesex, out of business.—*R. N. J. Freeman*, St. James-place, Oldgate, London, out of business.—*Henry Grantham*, Leatherhead, Surrey, brewer.

Sept. 22 at 10, before the CHIEF COMMISSIONER.

*Chas. Bunyard*, Trinity-terrace, Trinity-square, Southwark, Surrey, tailor.—*Thos. Maggs*, Reading, Berkshire, appraiser.—*John Pike*, Rushton-street, Hoxton, Middlesex, cabinet maker.

Sept. 22 at 11, before Mr. Commissioner PHILLIPS.

*Isaac Davies*, Houndsditch, London, oilman.—*Jas. Woolcott*, Cardington-st., Hampstead-road, Middlesex, iron commission agent.—*Henry William Headland*, Seymour-street, Easton-square, Middlesex, dyer.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at DOVER, Sept. 27 at 11.*

*John S. Bushman*, Dover, doctor of medicine.

#### MEETING.

*George Southern*, Haswell, Durham, draper, Sept. 27 at 1, Brinton's, Black Bull Inn, Gateshead, sp. aff.

[From the Dublin Gazette of Aug. 23, 1853.]

#### COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoner is ordered to be brought up before the Court, at the Court of Quarter Sessions, Cork, Sept. 19 at 10, to be dealt with according to the Statute:—*

*Robt. D. Ironside*, Cork, provision merchant.

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# The Jurist

No. 871—VOL. XVII. SEPTEMBER 17, 1853.

PRICE 1s.

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LONDON, SEPTEMBER 17, 1853.

In a recent number of THE JURIST we offered some observations on the prospects of the Profession, particularly of the existing Bar, and those observations were certainly not hopeful. They have, however, as we gather from the remarks upon that paper which have reached our ears, been somewhat misunderstood; for it seems that we have been thought to mean that the Bar had seen its best days, and that its glory had departed from it, never to return. That was not at all our meaning, nor have we any such idea of there being a probability of ultimate destruction to the Bar—at least, not in this century. On the contrary, it appears to us, that from the course which legal reforms are taking, may be prognosticated a more useful and elevated position for the Bar of England than it has enjoyed for a long time. Of the position occupied by the Bar from the middle of the last century to the end of the first quarter of this, it is needless to say much. During that period the business of the Bar was lucrative, and its position distinguished; it was the road to honour and distinction, alike for the descendant of nobles and the son of the plebeian. The practice of the law, though

somewhat technical and tortuous, was not sufficiently so in the last century to shock the feelings or thwart the interests of that portion of the community which involved itself in law; and so things continued till the peace of 1815. From that time, the English community devoting itself, as before, principally to trade, but not, as before, almost without any rivals; and various political changes, consequent upon great manufacturing changes, having taken place; it came to pass that commerce spread itself, as it were, infinitely, instead of being confined in a comparatively small circle; personal property immensely increased, and became more diffused; and a sort of fourth estate or second middle class, consisting of the minor trading classes, grew up. From this followed a greater amount of *smaller* litigation, almost unknown to even our grandfathers; and a corresponding indisposition to expense and delay in litigation. Thus began the popular desire for cheap law and county courts—for short and simple pleadings and speedy process. But, in the meantime, its imagined lucrativeness, its apparent distinction of social position, and the redundancy of supply for peaceful professions and occupations, had greatly overfilled the ranks of the Bar; while, on the other hand, the gradual increase of lengthiness, and merely technical complication, which had taken place under the old system of pleading and procedure, had lowered the quality of forensic business, while it had increased its volume and lucrativeness; so that a much inferior degree and amount of intellect were sufficient to enable the barrister to get through the average duties of his profession. Thus things remained till the great changes of the last few years began a totally new era for the legal profession; and the character of those changes, and the rapidity with which they are now taking place, ought to satisfy the most

sceptical that a very different career lies before the rising Bar of this country, from that which has been the lot of the lawyers of the last and the present generation.

We are speaking, of course, of the average of the class, not of those distinguished exceptions for whose talents there has always been a certain amount of work of a high class, and who have shewn themselves in all periods of the modern history of the law, adequate to the occasion. But henceforth there will be no such thing as forensic work for a "dull dog;" all the work of the Bar will be work requiring the higher qualifications of the advocate; knowledge of principles, not only of English law, but of general jurisprudence; general information; above all, a broad, large intellect, seeing and going direct to the substance of questions. As these qualities will be absolutely required, no amount of nepotism will be able to drag forward the man who is without them, and the Bar will be a sort of corps d'élite, depending for its position upon its intrinsic ability, and recovering the social estimation and distinction from which the perpetuation of the old system of practice was well nigh precipitating it.

Such are the views which we take of the state of transition, of which the Bar is now suffering the agony. No doubt, before the new state of things is finally and completely developed, many individuals will suffer. Many of the old school will find themselves unwilling or unable to adopt the new ideas and the new system; many who never were by nature or study fitted for any but the most routine part of the old business of the Bar, will be, perforce, extinguished as barristers, by the destruction of the only business they could transact. But the brighter and more powerful spirits of the present Bar will remain, and the new Bar, or, if we may import a cant word, the Young England Bar of the remaining half of this century, will be probably distinguished above any body of lawyers that has yet aided in administering the justice of the country.

#### PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 341).

##### CAP. LVIII.

An Act to authorise the Appointment of Barristers for the Purpose of effecting a complete annual Revision of Lists and Registry of Voters for the City of Dublin, and to remove Doubts as to the Rate-books for the Purposes of such Registry. [4th August, 1853.]

Sect. 1. Appointment of barristers to discharge duties imposed on chairman of sessions of the county of Dublin.

2. Barristers to have the same powers, &c. as the said chairman.

3. Barristers to revise register of parliamentary voters for the city of Dublin.

4. Short titles.

5. Removal of doubts respecting rate-books.

##### CAP. LIX.

An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, to amend the Laws relating to Stamp Duties, and to make perpetual certain Stamp Duties in Ireland. [4th August, 1853.]

##### CAP. LX.

An Act to amend the Acts regulating the Salaries of Resident Magistrates in Ireland. [4th August, 1853.]

##### CAP. LXI.

An Act to confirm certain Provisional Orders made under an Act of the fifteenth Year of her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls. [4th August, 1853.]

##### CAP. LXII.

An Act to extend and continue an Act of the twelfth Year of her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. [4th August, 1853.]

##### CAP. LXIII.

An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, to give Relief with respect to the Stamp Duties on Newspapers and Supplements thereto, to repeal the Duty on Advertisements, and otherwise to amend the Law relating to Stamp Duties. [4th August, 1853.]

##### CAP. LXIV.

An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland. [15th August, 1853.]

- Sect. 1. *Where an Incumbrance affecting any Land or Lease subject to be sold also affects a Lease not so subject, the Commissioners' Jurisdiction to extend to such Lease.*
2. *The 22nd Section of the recited Act repealed, and other Provisions made in lieu thereof.*
3. *Where a Lease in perpetuity is ordered to be sold, the Commissioners may convert it into a Fee-Farm Grant.*
4. *Where a Grant amounts to an Assignment of a Lease, the Rent reserved to be within Sects. 16 and 17 of recited Act.*
5. *Where Conveyance is made subject to a Lease, it shall not be necessary in pleading to allege prior Title to Reversion.*
6. *Power to consolidate Sale of different undivided Shares.*
7. *Clause explanatory of Sect. 37 of recited Act.*
8. *Sale may be had, subject to Dower.*
9. *Commissioners may include Arrears of Rent in a Sale.*
10. *As to Reference of General Rules, and Construction of Act.*
11. *Limitation of Office of Commissioners, &c., and of Applications and Orders and Proceedings.*
12. *Costs of Petitioner for Sale shall not be paid out of Proceeds, otherwise than in the same Order as the Incumbrance shall be payable.*

Whereas an act was passed in the session of Parliament holden in the 12 & 13 Vict. [c. 77], intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland:" and whereas, under the provisions of the said act, certain commissioners were duly appointed during her Majesty's pleasure for the execution of the said act: and whereas it is expedient to amend the said act in certain particulars, and to continue the powers of the said commissioners for the further term hereinafter mentioned: be it therefore enacted &c. as follows:—

Sect. 1. Where application has been made under the said act, or shall hereafter be made under the said act and this act, or either of them, for a sale of any land or of any lease within sects. 16 and 17 of the said act, and all or any of the incumbrances affecting such land or lease also affects any lease of land in Ireland not within the said sects. 16 and 17 of the said act, application may be made for sale of such last-mentioned lease; and the jurisdiction and powers of the commissioners, and all the provisions of the said act, shall extend and be applicable to such last-mentioned lease, in like manner as in the case of a lease within the said sects. 16 and 17 of the said act.

2. The 22nd section of the said recited act shall be and the same is hereby repealed, and in lieu thereof be it enacted, that

the commissioners shall not make an order for sale of any land or lease, or any part thereof, upon application by an incumbrancer on such land or lease, in case it be shewn to the satisfaction of the commissioners by the owner of such land or lease that no part of such land or lease is subject to any receiver, or in the possession of any incumbrancer, and that the amount of the yearly interest on the incumbrances, and other yearly payments (if any) in respect of charges payable out of the income of such land or lease and the other lands or leases (if any) subject to the incumbrance of such incumbrancer, do not exceed one-half of the net yearly income (after the payment of all tithe rent-charge, such part of the county cess and poor's-rate as is payable by the owner, and all crown, quit, and head rent) of such land or lease, or of all the lands or leases so subject: provided always, that the decision of the said commissioners thereupon shall in all cases, so far as relates to the power and jurisdiction of the commissioners over such land or lease, be final and conclusive, to all intents and purposes whatsoever.

3. Where the commissioners have ordered or shall order the sale of any lease in perpetuity, they may, if they shall think it expedient so to do, cause notice to be given to the owner or other persons interested in the reversion, or any person on behalf of such owner or other persons, and may thereupon proceed to convert such lease in perpetuity into a fee-farm grant, according to the principles prescribed in the Renewable Leasehold Conversion Act, but their procedure in relation thereto shall be according to the general rules and practice of the court of the said commissioners, and in case such conversion shall be ordered, they shall have power to convey the land included in such lease to the purchaser in fee, subject to the fee-farm rent ascertained as aforesaid, and to such exceptions, reversions, covenants, and clauses as shall be in conformity with the original lease, and the provisions of the Renewable Leasehold Conversion Act, and thereupon the owner for the time being shall have the same rights and remedies against the purchaser, his heirs, executors, administrators, and assigns, and against the land, by action, distress, entry, or otherwise, in respect of such rent, and of any exceptions, reservations, covenants, and clauses contained in the said deed, as belong by law to the owner of any fee-farm rent created under the said act.

4. Where any instrument purporting to be a demise or lease, or any other grant or assurance reserving rent, executed or made by any person entitled under any lease of land, is, in construction of law, an assignment of such lease, sects. 16 and 17 of the said recited act, and all other the provisions of the said act and this act, which would, in case such instrument, grant, or assurance had passed less than the whole term or estate created by such lease, have been applicable to or in respect of the reversion created under such instrument, grant, or assurance, shall extend and apply, and shall be deemed to have extended and applied, to and in respect of the rent thereby reserved, and all rights and interests thereunder vested in grantor or assignor, in like manner as such provisions would have been applicable to or in respect of such reversion.

5. Where any conveyance or assignment has been made before the passing of this act, or shall hereafter be made, by the commissioners, subject to any lease, underlease, or tenancy, such conveyance or assignment shall be deemed to afford conclusive proof that the estate or interest purporting to be conveyed or assigned thereby is the reversion expectant upon such lease, underlease, or tenancy, and it shall not be necessary, in any action arising out of or connected with such lease, underlease, or tenancy, or in any pleadings in such action, to allege or prove the title of such reversion prior to the said conveyance or assignment; and the person to whom such conveyance or assignment is made, his heirs, executors, administrators, and assigns, and every of them, shall and may have and enjoy like advantages against the lessees, underlessees, and tenants, their heirs, executors, administrators, assigns, and under-tenants, and against all other persons in possession or occupation of the land comprised in such conveyance or assignment, by distress or by entry, for non-payment of rent or for doing of waste or other forfeiture, and also shall and may have and enjoy like advantages and remedies by action for not performing other conditions, covenants, and agreements contained in such lease or underlease, or in the parol agreement for such tenancy, against the said lessees, underlessees, and tenants, their heirs, executors, administrators, and assigns, as the person

granting such lease or underlease, or as the landlord entering into the agreement for such tenancy, or his heirs, executors, administrators, or assigns, ought to have had and enjoyed at any time or times, in like manner and form as if the reversion in such land expectant on such lease, underlease, and tenancy had remained or continued in such person granting such lease or underlease, or as landlord entering into such agreement.

6. Where there is or shall be an application to the commissioners for the sale of any undivided share of any land or lease, it shall be lawful for the commissioners, where they shall see fit so to do, upon the application of the owner of any other undivided share or shares of the same land or lease, (and although such other undivided share be not subject to any incumbrance), or on the application of any incumbrancer on such other undivided share or shares, to include the same share or shares, upon such terms as they shall see fit, with the share so proposed to be sold as aforesaid, and in every such case the commissioners shall apportion the purchase money among the owners according to their respective shares so sold, and shall apportion the expenses as they may see fit.

7. The 37th section of the said recited act shall apply and be deemed to have at all times applied to any rent reserved upon a lease, where the commissioners shall have sold or shall sell the whole reversion expectant upon such lease at different times or in different lots.

8. The commissioners shall have power, upon any application for sale, whether now pending before them or to be hereafter made, to sell and convey any land, subject to any right, title, or estate to or in dower.

9. Where a sale is made by the commissioners under the said act, or this act, of any land or lease, it shall be lawful for them, whenever it shall appear to them convenient so to do, to include in such sale all or any part of the arrears of rent, if any, which may at the time of the sale be owing from any lessees or tenants, subject to whose leases or tenancies the sale is to be made, where such arrears are subject to any incumbrance in respect of which an incumbrancer shall have obtained an order for sale, or where the order for sale has been obtained by the owner, and in the conveyance or assignment of such land or lease to assign such arrears to the purchaser accordingly; and such purchaser, his heirs, executors, administrators, or assigns, shall, after such assignment of the said arrears, have for the recovery and in respect of the non-payment thereof the same rights and remedies which the person or persons who would have been entitled to such arrears would have possessed if no such assignment thereof, nor any conveyance or assignment of such land or lease, had been made.

10. All general rules or orders heretofore made by the commissioners shall apply and have reference to the provisions of this act as well as to those of the said recited act, and that in the construction of this act the words and phrases to which a particular or extended meaning is assigned by the 54th section of the said recited act, shall when used in this act be understood to bear such particular or extended meaning, except where the context requires a different construction; and that in the construction of the said recited act the word "lease" shall include and shall be deemed to have included any term created by way of use, as well as any term created by way of demise at common law, so as such term be or have become a term in gross.

11. The 5th section of the said act, whereby it is enacted that no commissioner, secretary, or other officer should hold his office for a longer period than is therein mentioned, shall be and the same is hereby repealed; and every such commissioner, secretary, or other officer may hold his office for a term not exceeding four years from the passing of this act, and thenceforth until the end of the then next session of Parliament; and all applications which under the 16th and 17th sections of the said act, or under this act, might be made to the said commissioners within three years from the passing of the said act, and which under the act passed in the last session of Parliament, [15 & 16 Vict. c. 67], intituled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland," may now be made within four years from the passing of the said first-mentioned act, may be made within two years from the 28th day of July, 1853; and all orders and proceedings by the said acts or by this act authorised, and which might be made, had, or taken upon any application made within the said period of four years, may be



made, had, and taken within the further period authorised by this act.

12. In the case of any petition for a sale presented after the passing of this act, the costs of the petitioner in respect of such petition and of any proceedings thereunder shall not (unless the commissioners shall otherwise direct) be payable out of the proceeds of the sale otherwise than in the same order of priority in which the incumbrance of the petitioner shall be payable, anything in the said recited acts, or any rule or practice of the commissioners, to the contrary notwithstanding.

#### CAP. LXV.

An Act to amend the Acts for the Regulation of Parish Vestries. [15th August, 1853.]

#### CAP. LXVI.

An Act to continue an Act for authorising the Application of Highway Rates to Turnpike Roads. [15th August, 1853.]

#### CAP. LXVII.

An Act for the better Regulation of Public Houses in Scotland. [15th August, 1853.]

#### CAP. LXVIII.

An Act to limit the Time for proceeding to Election in Counties and Boroughs in England and Wales, and for Polling at Elections for the Universities of Oxford and Cambridge, and for other Purposes. [15th August, 1853.]

#### CAP. LXIX.

An Act to make better Provision concerning the Entry and Service of Seamen, and otherwise to amend the Laws concerning her Majesty's Navy. [15th August, 1853.]

(To be continued).

### London Gazettes.

FRIDAY, SEPTEMBER 9.

#### BANKRUPTS.

JOHN HENRY GOULD and FREDERICK HERMAN GOULD, Watling-street, London, wholesale lace warehousemen, Sept. 22 and Oct. 18 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 15, Sisle-lane, Bucklersbury, London.—Petition filed Sept. 7.

JAMES PALMER, Hove, Brighton, Sussex, builder, Sept. 21 at 12, and Oct. 19 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Snow & Blake, 22, College-hill, Cannon-street.—Petition filed Aug. 31.

WILLIAM HOWLETT, Hove, near Brighton, Sussex, builder, dealer and chapman, Sept. 19 at half-past 12, and Oct. 28 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Jones, 9, Quality-court, Chancery-lane.—Petition filed Aug. 27.

EDWARD HENRY PARKES, Upper Ebury-street, Pimlico, Middlesex, corn chandler, dealer and chapman, Sept. 15 at half-past 12, and Oct. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Brundrett & Co., King's Bench-walk, Temple.—Petition filed Sept. 6.

WILLIAM ALDERTON, Wolverhampton, Staffordshire, grocer, dealer and chapman, Sept. 22 and Oct. 11 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Dunning, Leeds.—Petition dated Aug. 31.

GEORGE BOOTH, Bishopwearmouth, Sunderland, Durham, shipowner, shipbuilder, rope manufacturer, dealer and chapman, Sept. 15 at half-past 11, and Oct. 14 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Ranson & Sons, Sunderland; Dixon, 5, New Boswell-court, London; Harle, 20, Southampton-buildings, Chancery-lane, London, and Newcastle-upon-Tyne.—Petition filed Aug. 31.

#### MEETINGS.

Henry Nicholls, Eastham, innkeeper, and Thomas Hilliar, Birkenhead, Cheshire, scrivener, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, ch. ass.—John Wood and Edwin

Norton, Hoyland Nether, Wath-upon-Deane, Yorkshire, corn millers, Sept. 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—J. Allott, New Miller Dam, Sandal Magna, Yorkshire, banker, Sept. 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—Edmund Nicholson, York, tailor, Sept. 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—W. T. Carr, Barnsley, Oughtibridge, Yorkshire, ironmonger, Sept. 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—John Power and John Wallace, Liverpool, merchants, Sept. 30 at 11, District Court of Bankruptcy, Liverpool, fin. div. sep. est. of J. Power.—John Child and Wm. Barker, Wakefield, Yorkshire, railway contractors, Sept. 30 at 11, District Court of Bankruptcy, Leeds, div.—Robert M'Burnie, Wetherby, Yorkshire, grocer, Sept. 30 at 11, District Court of Bankruptcy, Leeds, div.—George Scott, Brotherton, Yorkshire, miller, Sept. 30 at 11, District Court of Bankruptcy, Leeds, div.—James Wheeler, Scarborough, Yorkshire, wine merchant, Sept. 30 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

John Evans, Hampton-court, Middlesex, hotel-keeper, Oct. 6 at 1, Court of Bankruptcy, London.—Richard Williams, New Brentford, Middlesex, bootmaker, Sept. 30 at 12, Court of Bankruptcy, London.—William Wood, Grand Junction-terrace, Edgeware-road, Paddington, Middlesex, stationer, Sept. 30 at 1, Court of Bankruptcy, London.—John Bloomfield, Saxted, Suffolk, licensed victualler, Oct. 1 at 2, Court of Bankruptcy, London.—Francis Langan, Chapel-place, Oxford-street, Middlesex, wine merchant, Oct. 1 at 12, Court of Bankruptcy, London.—Joseph Newman, Nibley, Westerleigh, Gloucestershire, innkeeper, Oct. 5 at 12, District Court of Bankruptcy, Bristol.—Thos. Kemp, Stratford-upon-Avon and Pillerton Hersey, Warwickshire, painter, Oct. 1 at 10, District Court of Bankruptcy, Birmingham.—George E. Pinder, York, grocer, Nov. 7 at half-past 11, District Court of Bankruptcy, Leeds.

To be granted, unless an Appeal be duly entered.

John C. Twyman, Ramsgate, Kent, upholsterer.—George Prentice, Artillery-lane, Bishopsgate-street, London, licensed victualler.—Joseph Abbott, Reddish, Manchester, grocer.—Wm. Derry the younger, Wolverhampton, Staffordshire, brickmaker.

#### PARTNERSHIP DISSOLVED.

Charles Clough and John Taylor, Bradford, Yorkshire, attornies-at-law and solicitors.

#### SCOTCH SEQUESTRATION.

Robert Graham, deceased, Alexandria, Dumbartonshire, plumber.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Elizabeth Ingham, widow, Rocester, Staffordshire, domestic servant, Sept. 17 at 10, County Court of Staffordshire, at Uttoxeter.—Henry North, Leamington Priors, Warwickshire, commission agent for buying horses, Sept. 27 at 2, County Court of Warwickshire, at Warwick.—Geo. Bagley, Ruabon, Denbighshire, master of the grammar-school, Sept. 26 at 10, County Court of Denbighshire, at Ruabon.—S. Weaver, Easton-in-Gordano, Somersetshire, schoolmaster of the Bedminster Union, Oct. 26 at 11, County Court of Gloucestershire, at Bristol.—Henry Shepson Parsons, Clifton, Bristol, retailer of beer, Oct. 26 at 11, County Court of Gloucestershire, at Bristol.—Samuel Williams, Hulme, Manchester, bricksetter, Oct. 3 at 11, County Court of Lancashire, at Manchester.—Wm. Marshall, York, tailor, Sept. 26 at 10, County Court of Yorkshire, at York Castle.—Richard Birch, New Brighton, Cheshire, commercial traveller, Sept. 23 at 10, County Court of Shropshire, at Oswestry.—George Mansell, Shrewsbury, Shropshire, in no business, Sept. 20 at 10, County Court of Shropshire, at Shrewsbury.—W. Parker, Shrewsbury, and Coton, Berrington, Shropshire, out of business, Sept. 20 at 10, County Court of Shropshire, at Shrewsbury.—T. White, Calne, Wiltshire, grocer, Sept. 14 at 11, County Court of Wiltshire, at Calne.—William Howdon Lambert, Newcastle-upon-Tyne, butcher, Sept. 29 at 10, County Court of North-

umberland, at Newcastle-upon-Tyne.—*Thomas Tybbatts Jennings*, Henley-in-Arden, Warwickshire, butcher, Sept. 29 at 11, County Court of Warwickshire, at Stratford-on-Avon.—*Joseph Holliday*, Abingdon, Berkshire, fruiterer, Sept. 28 at 11, County Court of Berkshire, at Abingdon.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 11 at 11, before Mr. Commissioner PHILLIPS.*

*John Robinson*, Portland-st., North-end, Fulham, Middlesex, timber dealer.—*George Cooper*, Wellington-place, Park-road, Old Kent-road, Surrey, tea dealer.—*Thos. Bishop Gardner*, Plumstead-common, Kent, dealer in milk.—*Stephen Williams*, Emma-place, East India-road, Blackwall, Middlesex, clerk.—*Alfred Bias Stride*, Cavendish-terrace, South Lambeth, Surrey, builder.—*Thos. Byron Walter*, Castle-st., Leicester-square, Middlesex, writer on glass.

*Nov. 11 at 11, before Mr. Commissioner MURPHY.*

*Herman Berliner*, Sparrow-corner, Minorities, London, boot manufacturer.—*Wm. Jas. John*, Clarendon-st., Camberwell, Surrey, actuary.—*Geo. Mailland Innes*, Westbourne-grove, Paddington, Bayswater, Middlesex, clerk in the Admiralty, Somerset House.

*Nov. 12 at 11, before Mr. Commissioner PHILLIPS.*

*Alex. Skeen*, Deptford, Kent, baker.—*Wm. Strange* the younger, Belvedere-cottage, Upper Norwood, Surrey, salesman to publishers.—*Jos. Donovan*, High Houses, Church-st., Stoke Newington, Middlesex, schoolmaster.—*Henry Watkins*, Brick-lane, Spitalfields, Middlesex, cheesemonger.—*Alfred Corder*, Castle-street, Falcon-square, London, clerk in the Electric Telegraph Company's Branch Office, Strand.—*Wm. Jas. Haydon*, Surbiton-terrace, Kingston-on-Thames, Surrey, plumber.

*Nov. 14 at 11, before Mr. Commissioner PHILLIPS.*

*John Henry Wheelodon*, Broad-street, Ratcliff, Middlesex, tailor.—*J. Frost*, Ordinance-row, Lewisham-road, Lewisham, Kent, bricklayer.—*Wm. Laundon Halton*, Goswell-terrace, Goswell-road, Middlesex, collector to a linendraper.—*Ann Thomas*, spinster, New Millman-st., Guildford-st., St. Pancras, Middlesex, lodging-house keeper.—*Edward Porter* the elder, John-st., Lant-st., Southwark, Surrey, skinner.—*John William Lane* the elder, Grove-lodge, Walthamstow, Essex, lieutenant in the Royal Navy on half-pay.—*Thos. Stilwell*, Market-place, Hackney-road, Middlesex, commission agent.—*Jas. Lucas*, Bachess-terrace, Hoxton New-town, Middlesex, wholesale milliner.—*J. England*, Park-crescent-mews West, New-road, Marylebone, Middlesex, coach painter.—*J. Cor*, Finsbury-market, Clifton-st., Finsbury, Middlesex, sawyer.

*Nov. 14 at 11, before Mr. Commissioner MURPHY.*

*Wm. Pike Barrett*, Devonshire-st., Queen-square, Middlesex, gas fitter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 26 at 10, before the CHIEF COMMISSIONER.*

*Wm. Ridout*, Craven-st., City-road, Middlesex, tailor.—*Alfred Charles Lewis Champ*, Princes-square, St. George's-in-the-East, Middlesex, clerk in her Majesty's Customs.—*T. Dry*, Ealing, Middlesex, licensed victualler.

*Sept. 26 at 11, before Mr. Commissioner PHILLIPS.*

*John Knighton*, Singleton-st., Hoxton, Middlesex, out of business.—*Beser Blundell*, York-road, Lambeth, Surrey, attorney-at-law.—*John Clarke*, James's-grove, Commercial-road, Peckham, Surrey, spice dealer.

*Sept. 26 at 11, before Mr. Commissioner MURPHY.*

*James Ewen*, Hercules-buildings, Westminster-road, Surrey, assistant to a ginger-beer manufacturer.—*James Anderson*, Crown-row, Mile-end-road, Middlesex, commission agent.—*Michael John Cameron*, Wimbourn-st., New North-road, Middlesex, mill sawyer.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Abraham Bayley*, Manchester, out of business, No. 76,975; *Thomas Horner*, assignee.—*Edward Jones*, Liverpool, beer-seller, No. 76,871; *John Anderton*, assignee.—*James Edw. Dawson*, Chorlton-upon-Medlock, Manchester, attorney-at-law, No. 76,860; *Robert Halsall*, assignee.—*Andrew Hilton*, Dukinfield, near Ashton-under-Lyne, out of business, No. 76,854; *John Tomkinson*, assignee.—*Robert Hancock*, Manchester, grocer, No. 76,882; *T. Fothergill*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Sept. 23 at 10.*

*Roger Marsh*, Preston, out of business.—*Wm. Fairley*, Leigh, out of employment.—*Peter Robinson*, St. Helen's, bookkeeper.—*Samuel Webster*, Newton Heath, near Manchester, butcher.—*John Roberts*, Liverpool, licensed victualler.—*Peter Bates*, Salford, out of business.—*J. Collins*, Liverpool, vinegar manufacturer.—*Samuel Smith*, Broughton, Manchester, commission agent.—*Robert Nabb*, Gorton, near Manchester, out of employment.—*Joseph Beech*, Manchester, out of business.—*John Lynch*, Cheetham, Manchester, news-vender.—*James Knowles*, Liverpool, mariner.—*E. Collins*, Manchester, manufacturer of tarpaulings.—*Thos. Tattersall*, Liverpool, out of business.—*David Bingham*, Manchester, baker.—*R. A. Stead*, Cheetham, near Manchester, out of business.—*John Leigh*, Liverpool, saddler.

*At the County Court of Hertfordshire, at HERTFORD, Sept. 26.*

*Ephraim Dickinson*, Ware, carpenter.

*At the County Court of Yorkshire, at YORK, Sept. 26.*

*James Broadhead*, Hepworth, near Holmfirth, commission agent.—*Wm. Ellison*, Bradford, joiner.—*John Haywood*, Cumberworth, near Huddersfield, farmer.—*A. Goodare*, Bradford, agent to a timber merchant.—*Chas. H. Sellers*, Leeds, beer-house keeper.—*Henry Gloyne*, Wakefield, grocer.—*E. Holmes*, Halifax, joiner.—*Charles Shaw*, Dob-cross, Saddleworth, out of business.—*Thomas Shaw*, Halifax, innkeeper.—*Joseph Howarth* the younger, Pudsey, near Leeds, manufacturing chemist.—*Jonas Woodhead*, Clifton, near Halifax, out of business.—*B. Marshall*, Knarborough, grocer.—*J. Kirby*, Pocklington, out of business.—*Charles Carr*, Liversidge, near Leeds, beer-shop keeper.—*Henry Denton*, Bradford, out of business.—*John Cunliffe*, Todmorden, tanner.—*M. Dillon*, Leeds, licensed hawkers.—*Wm. Peel*, Bradford, decorator.

*At the County Court of Warwickshire, at WARWICK, Sept. 27 at 10.*

*Wm. Dodd*, Birmingham, carrier.

*At the County Court of Gloucestershire, at BRISTOL, Sept. 28 at 11.*

*Wm. Silk*, Bristol, out of business.

*At the County Court of Buckinghamshire, at AYLESBURY, Sept. 29 at 10.*

*Wm. Rawlinson*, Quainton, farmer.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, Sept. 30 at 10.*

*John Crickmer*, Lakenham, commercial traveller.

*At the County Court of Sussex, at PETWORTH, Sept. 30.*

*C. Searle*, spinster, Storrington, in no business.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Watson Yorke*, Brigstock, near Thrapstone, Northamptonshire, farmer, Sept. 17, at Yorke's, Oundle: 6d. in the pound.

**MEETING.**

*John P. Smith*, Pontypool, Monmouthshire, skinner, Oct. 3 at 12, at Phillpotts's, Newport, sp. aff.

TUESDAY, SEPTEMBER 13.

## BANKRUPTS.

**FREDERICK CHRISTOPHER DODSWORTH**, Turnham-green, Middlesex, surgeon and apothecary, dealer and chapman, Sept. 21 at 2, and Oct. 26 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Davies & Co., 17, Warwick-street, Regent-street.—Petition filed Sept. 9.

**LEWIS COOKE HERTSLET**, Union-court, Broad-street, London, merchant, (trading in partnership with Joseph Okell, under the firm of Alexander Moberly & Co.), Sept. 21 at 1, and Oct. 26 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition filed Sept. 9.

**MARY ANN HARRIET WARD**, Upper Dorset-place, Clapham-road, Surrey, printer and stationer, (trading under the name or firm of Ward & Son), Sept. 21 at half-past 2, and Oct. 26 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. West, 3, Charlotte-row, Mansion-house, City.—Petition filed Sept. 9.

**JOHN CLARK**, Oxford, livery-stable keeper, dealer and chapman, Sept. 21 at half-past 12, and Oct. 26 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Parker & Co., 17, Bedford-row, London.—Petition filed Sept. 10.

**WILLIAM RHODES**, Aldersgate-street, London, tea dealer and grocer, Sept. 21 at half-past 1, and Oct. 26 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Dalton & Hall, Coleman-street, City.—Petition dated Sept. 8.

**JAMES WARNER**, Tipton, Staffordshire, flour dealer, commission agent and factor, dealer and chapman, Sept. 27 and Oct. 25 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Corles, Worcester; E. & H. Wright, Birmingham.—Petition dated Sept. 3.

**WILLIAM HITCHMAN**, late of Cirencester, Gloucestershire, but now of Glastonbury, Somersetshire, surgeon and apothecary, dealer and chapman, Sept. 23 and Oct. 21 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Hobbs, Wells, Somersetshire.—Petition filed Sept. 9.

**ROBERT WYBURN**, Taunton, Somersetshire, cabinet-maker, dealer and chapman, Sept. 22 and Oct. 13 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Messrs. Trenchard, Taunton; Hogdon, Exeter.—Petition filed Sept. 9.

**JOHN SPITTLEHOUSE**, Sheffield, Yorkshire, joiner and builder, dealer and chapman, Oct. 1 and Nov. 5 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Parker & Co., Sheffield.—Petition dated Sept. 3.

## MEETINGS.

*James William Havers*, Judd-street, Brunswick-square, Middlesex, draper, Sept. 24 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Kelland Down*, Taunton, Somersetshire, and Torpoint, Devonshire, grocer, Sept. 24 at half-past 12, Court of Bankruptcy, London, aud. ac.—*George A. Eades*, Landport, Portsea, Hants, grocer, Oct. 3 at 12, Court of Bankruptcy, London, div.—*Joel Boulton*, Bristol, brewer, and High-street, Hoxton Old-town, Middlesex, baker, Oct. 1 at 1, Court of Bankruptcy, London, div.—*Frederick Wale*, Leicester, draper, Oct. 7 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*J. Muckleston* the younger, Shrewsbury, Shropshire, grocer, Oct. 4 at 12, District Court of Bankruptcy, Birmingham, fin. div.—*Henry Cowie*, Liverpool, shipowner, Oct. 6 at 11, District Court of Bankruptcy, Liverpool, div.—*E. Ridley*, Liverpool, tailor, Oct. 4 at 11, District Court of Bankruptcy, Liverpool, div.—*James Leader*, Liverpool, joiner, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, div.—*Roger Richards*, Wrexham, Denbighshire, chemist, Oct. 4 at 11, District Court of Bankruptcy, Liverpool, div.—*John Breakenridge*, Liverpool, tailor, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, div.—*Jas. John Hance*, Liverpool, broker, Oct. 4 at 11, District Court of Bankruptcy, Liverpool, div.—*John Cason*, Liverpool, corn merchant, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Martin*, Stamford, Lincolnshire, grocer, Oct. 14 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*John Cadman*, Derby, grocer, Oct. 14 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Wm. Hackett*, Leicester, dealer in pianofortes, Oct. 7 at 10, District Court of Bankruptcy, Nottingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Hall*, Orchard-street, Portman-square, Middlesex, builder, Oct. 4 at 2, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*Edward Blakely*, Conduit-street, Regent-street, Westminster, Middlesex, and Norwich, linendraper.—*Thomas Chivers*, Pavement, Moorfields, London, licensed victualler.—*Alfred P. Capet*, Witham, Essex, druggist.—*John Wallace*, Calcutta, Bengal, merchant tailor.—*Henry Prior*, Edwards-place, Hackney-road, Middlesex, Manchester warehouseman.—*Thomas Watson*, King's Lynn, Norfolk, merchant.—*Jos. Nash*, Lewisham, Kent, draper.—*John Knight*, Tenter House, Spotland, Rochdale, Lancashire, bleacher.

## FIAT ANNULLED.

*Charles C. Barley*, Wisbeach St. Peter's, Isle of Ely, Cambridgeshire, grocer.

## SCOTCH SEQUESTRATIONS.

*James Forrest*, Hamilton, brewer.—*John M'Kinnon*, Glasgow, shipowner.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Elizabeth Done*, widow, Liverpool, in no business, Sept. 25 at 10, County Court of Lancashire, at Liverpool.—*Lawrence Holden*, Liverpool, painter, Sept. 25 at 10, County Court of Lancashire, at Liverpool.—*Wm. Fry*, Charlton Musgrove, Somersetshire, licensed beer-seller, Oct. 29 at 10, County Court of Somersetshire, at Wincanton.—*John Ritchie*, Woodbridge, Suffolk, supervisor of Inland Revenue, Sept. 24 at 10, County Court of Suffolk, at Woodbridge.—*Geo. Botwright*, Rickinghall Superior, Suffolk, innkeeper, Sept. 30 at 11, County Court of Suffolk, at Eye.—*Frederick Spencer*, Ryde, Isle of Wight, Southampton, cabinet maker, Sept. 30 at 10, County Court of Hampshire, at Newport.—*Robt. Overy* the younger, Stone, Kent, assistant to a grocer, Sept. 20 at 10, County Court of Kent, at Tenterden.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 9 at 10, before the CHIEF COMMISSIONER.*

*Mary H. Calder*, spinster, Woolwich, Kent, in no trade.—*Samuel J. Gifford*, Tatchbrook-street, Pimlico, Middlesex, ensign in the Royal London Militia.—*John Buckmaster*, Gt. Portland-street, Middlesex, out of business.

*Nov. 16 at 11, before Mr. Commissioner MURPHY.*

*Joseph Corbetta*, Portland-road, Station-hill, Norwood, Surrey, out of business.—*Chas. Corbetta*, Uxbridge, Middlesex, watchmaker.—*Wm. M. Storrar*, Great College-street, Camden-town, Middlesex, ham and beef dealer.—*A. Richardson*, Richmond, Surrey, clerk in the Money Order Department of the General Post-office, St. Martin's-le-Grand, London.—*W. Harcourt*, Clarendon-road, Notting-hill, Middlesex, schoolmaster.—*T. Teasdale*, Rathbone-place, Oxford-street, Middlesex, attorney's clerk.—*W. Carpenter*, Hall-st., City-road, Middlesex, out of business.—*John Metcalf*, Marshall-street, Golden-square, Middlesex, watchmaker.

*Nov. 18 at 11, before Mr. Commissioner MURPHY.*

*Richard Chilton*, Charles-st., Hampstead-road, Middlesex, horse dealer.—*William A. Brown*, Croydon-common, Surrey, jobbing gardener.—*Mary Minton*, widow, Knightsbridge-green, Knightsbridge, Middlesex, dealer in milk.

*Saturday, Sept. 10.*

*Assignees have been appointed in the following Case. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*George A. Burston*, Great Malvern, Worcestershire, blacksmith, No. 76,690 C.; *Moses Jones* and *William Broad Rowe*, assignees.

Saturday, Sept. 10.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

Henry Jones, Minorities, London, carver: in the Debtors Prison for London and Middlesex.—James Ross, White Horse-street, Stepney, Middlesex, dealer in colonial produce: in the Debtors Prison for London and Middlesex.—Francis Cooper, Wych-street, Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—J. Gillingham, Vine-place, Hertford-road, Kingland, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Jas. Badger, Margaret-st., Wilmington-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Wm. J. Howe, Union-street, Somers-town, Middlesex, solicitor's clerk: in the Debtors Prison for London and Middlesex.—Jas. Glasscock, South-st., New North-road, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Richard Butler, Market-street, Paddington, Middlesex, coachsmith: in the Debtors Prison for London and Middlesex.—Richard Bayley, Little Tower-street, City, insurance agent: in the Debtors Prison for London and Middlesex.—John Lester, High-st., Poplar, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—William Edgcomb, Brownlow-st., Queen's-road, Dalston, Middlesex, lithographic printer: in the Debtors Prison for London and Middlesex.—Ralph Ormston, South-st., Manchester-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Charles A. Lane, Old Oak-common, Acton, Middlesex, chemist: in the Debtors Prison for London and Middlesex.—John B. Lloyd, Lealie-street, Mile-end-road, Middlesex, commercial traveller: in the Queen's Prison.—W. Stephenson, Tooley-street, Southwark, Surrey, grocer: in the Debtors Prison for London and Middlesex.—John Aschmuty, Great Ryder-street, St. James's, Middlesex, captain in the 5th regiment of Foot: in the Queen's Prison.—J. S. Combes, Manchester, tin-plate worker: in the Gaol of Lancaster.—E. Collins, Manchester, out of business: in the Gaol of Lancaster.—J. Leigh, Liverpool, saddler: in the Gaol of Lancaster.—Peter Robinson, St. Helen's, Lancashire, bookkeeper: in the Gaol of Lancaster.—T. Tattersall, Bootle, near Liverpool, out of business: in the Gaol of Lancaster.—W. Silk, Clifton Wood, Bristol, out of business: in the Gaol of Bristol.—R. Barker, Darlington, Durham, out of business: in the Gaol of Durham.—Charlotte Searle, spinster, Storrington, Sussex: in the Gaol of Petworth.—John Hartley, Liverpool, out of business: in the Gaol of Lancaster.—Thomas Bulmer, Monkwearmouth, Durham, out of business: in the Gaol of Durham.—Thos. Greatorex, Birmingham, greengrocer: in the Gaol of Warwick.—John Hughes, Liverpool, glazier: in the Gaol of Lancaster.—Elizabeth Mary Alderson, North Bailey, Durham, milliner: in the Gaol of Durham.—Wm. Prince, Hill, near Southampton, beer retailer: in the Gaol of Winchester.—Edw. Perry, Harewood-end, Herefordshire, farm steward: in the Gaol of Hereford.—James Russell the younger, Burwash Weel, Sussex, farmer: in the Gaol of Lewes.—Wm. Wilson, Giles-gate-moor, Durham, out of business: in the Gaol of Durham.—Edw. Paterson, Gravesend, Kent, out of business: in the Gaol of Maidstone.—George Calcrafft, Manchester, licensed victualler: in the Gaol of Lancaster.—C. Sirewick, Marsh, near Huddersfield, Yorkshire, stonemason: in the Gaol of York.—Peter Peak, Liverpool, retail dealer in coals: in the Gaol of Lancaster.—Thomas Howarth, Salford, Lancashire, grocer: in the Gaol of Lancaster.—Richard Welby, Peterborough, Northamptonshire, out of business: in the Gaol of Northampton.—John Britcher Hodgson, Hylton Ferry, near Sunderland, Durham, earthenware manufacturer: in the Gaol of Durham.

(On Creditor's Petition).

Wm. Prince, Southampton, retailer of beer: in the Gaol of Winchester.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Sept. 27 at 10, before the CHIEF COMMISSIONER.

Geo. Parker, Cambridge-street, Pimlico, Middlesex, in no trade.

Sept. 27 at 11, before Mr. Commissioner PHILLIPS.

Charles Seear, Ely-place, Lower-road, near Ball's-pond, Middlesex, out of business.

Sept. 27 at 11, before Mr. Commissioner MURPHY.

Charles Thomas Goldsmith, Skidmore-st., Mile-end-road, Middlesex, cooper.

Sept. 28 at 10, before the CHIEF COMMISSIONER.

John Gillingham, Vine-place, Hertford-road, Kingland, Middlesex, out of business.

Sept. 28 at 11, before Mr. Commissioner PHILLIPS.

James Butcher, Margaret-st., Wilmington-square, Middlesex, out of business.—John Mason, Great Chapel-street, Broadway, Westminster, Middlesex, tobacconist.

Sept. 28 at 11, before Mr. Commissioner MURPHY.

Richard Bayley, William-st., Commercial-road East, Middlesex, insurance agent.—Ralph Ormston, South-st., Manchester-square, Middlesex, out of business.

Sept. 29 at 10, before the CHIEF COMMISSIONER.

John Layton, Camberland-row, Islington-green, Middlesex, shoemaker.—James Glasscock, South-st., New North-road, Islington, Middlesex, out of business.—Frederick Steeles, Regent-st., Lambeth, Surrey, corn dealer.

Sept. 29 at 11, before Mr. Commissioner PHILLIPS.

Wm. Edgcomb, Brownlow-st., Queen's-road, Dalston, Middlesex, lithographic printer.—Wm. Albert, Stockwell-place, Clapham-road, Surrey, tailor.

Sept. 29 at 11, before Mr. Commissioner MURPHY.

George Godfrey, Hammersmith, Middlesex, silk manufacturer.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Warwickshire, at WARWICK, Sept. 27 at 10.

Thos. Greatorex, Birmingham, greengrocer.

At the County Court of Wiltshire, at SALISBURY, Sept. 28 at 2.

Charles Neale, Devizes, grocer.

At the County Court of Hampshire, at WINCHESTER, Sept. 28.

James Miller, Andover, Southampton, out of business.—Wm. Prince, Millbrook, near Southampton, beer retailer.

COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

The following Prisoner is ordered to be brought up before the Assistant Barrister for the County of Antrim, at Belfast, Oct. 25 at 9, to be dealt with according to the Statute:—

Patrick Dewar, Belfast, Antrim, baker.

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# The Jurist

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PRICE 1s.

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LONDON, SEPTEMBER 24, 1853.

THE celebrated case of *Smyth v. Smyth* affords a striking instance of the liability of solicitors to become unwitting utterers of forged documents, and unconscious agents in the fraudulent schemes of specious knaves, who are introduced to them as clients. Viewed in this light, it has an important bearing upon the case of Mr. Barber, the attorney, whose cause we, in common with the almost entire press of the country, have advocated from time to time. He and his friends are still appealing to the public; they court investigation and discussion; pamphlets abounding with facts and arguments in his favour are frequently appearing, and from these, which are accessible to all, we have gathered sufficient materials for the purpose of instituting our comparison and supporting our commentary.

In *Smyth v. Smyth* the plaintiff claimed to be entitled to the estates of the late Sir Hugh Smyth, Bart., of Ashton Hall, Somerset, worth about 30,000*l.* a year. He was introduced by Mr. Shadwell, of the Chancery Bar, to Mr. Cattlin, the attorney, who brought an action of ejectment. The case was supported by testamentary documents, family bibles, seals, and other alleged family relics; but the case mainly depended

upon the evidence of the plaintiff himself, who, on cross-examination, completely broke down. By his own account he was the only son of the deceased baronet by a first and secret marriage; he had in infancy been put out to nurse to a carpenter's wife, named Provis; he had been educated at Winchester, and had since moved in the first society; had travelled much; had been the intimate associate of Bell and Lancaster; had, in conjunction with them, delivered lectures in foreign countries; had since delivered lectures "in almost every school in England;" and his life had been entirely devoted to the business of education.

On cross-examination it was elicited that this classically-educated scholar and lecturer was so illiterate that he could not spell the commonest words in his own language; and it is stated, that at the time he had sworn he was ill for eighteen months, he was undergoing imprisonment in Ilchester gaol, his sentence having been commuted from that of death, for horse-stealing! From facts which have since been made public, it appears that when he committed this felony he was a menial servant, and had married a servant in Sir Hugh Smyth's family, who separated from him on his being prosecuted for an abominable crime, in which he gave bail and absconded! As the plaintiff's case crumbled to pieces from its own weakness, no witnesses were called for the defence; but the defendant was prepared to prove the whole story of the plaintiff to be a tissue of falsehoods, supported by forgeries and devices, which, on the very first examination, appeared flagrant and palpable.

Such was the person and such the case which imposed upon Mr. Shadwell, upon the very experienced solicitor, Mr. Cattlin, upon the three counsel who conducted the case, and last, but not least, upon (as is stated) "four gentlemen of the Israelitish persuasion,

who had subscribed 1000*l.* each on bonds to secure the moderate interest of 1000*l.* each per annum."

The case occupied many months in preparation, in the course of which the claimant's solicitor travelled with him to Ireland and other places, and had investigated the case with so much minuteness, that of the persons whom he had examined he subpoenaed no less than one hundred and forty. So confident was the plaintiff's counsel, Mr. Bovill, although he knew the defence to be that his client was an impostor, that in presenting the case to the jury he said, "I will prove *beyond all doubt* that my client is the son of Sir Hugh Smyth."

When at length the claimant stood unmasked, his case was abandoned, and he himself taken into custody on charges of forgery and perjury; but Sir Frederick Thesiger, who conducted the case for the defendant, declared, in the most unqualified terms, that he had "no doubt whatever that both Mr. Shadwell and Mr. Cattlin had been most grossly imposed upon, and that all who had taken up the plaintiff's case so warmly had acted most honestly, though they were certainly mistaken—they had no intention of bringing forward a false case. They must now see that they had been entirely deceived, and must be satisfied that a gross deception had been practised upon them, though under that deception they had acted honestly." To perfect this exculpation, the learned judge who tried the cause, Mr. Justice Coleridge, said he heard the statement which Sir Frederick Thesiger had made with "great satisfaction."

Now, knowing, as every member of the Profession does, how insensibly a lawyer's feelings become enlisted and his judgment biased on the side of his own client, who is always disposed and at hand to explain every circumstance favourably to his own case, we feel no difficulty in concurring in the very high and complete exculpation which the legal agents of this impostor have received. But we invite the reader to compare the prominent features of this case with those of any of the cases in which Mr. Barber was professionally concerned, and for a supposed guilty knowledge of which he has so fearfully suffered.

Mr. Cattlin, when this business was introduced to him, was a London attorney of some twenty years' experience, of high repute for skill and legal attainments, and for that reason, doubtless, recommended by Mr. Shadwell for the conduct of this important case. Mr. Barber, when first instructed by Fletcher, had but recently commenced practice in London, after serving his articles in the country.

The person who imposed upon Mr. Cattlin was an illiterate adventurer, who had led an "eventful life," wandering over Europe, having no settled habitation. Fletcher was a retired surgeon of large property, respected in the neighbourhood, where he had resided and brought up his family for twenty years. Mr. Cattlin had travelled about with his client apparently for weeks together. Mr. Barber, it appears, never spent at any one time an hour in Fletcher's company, or broke bread with him. The conversation and correspondence of Mr. Cattlin's client must have been found to accord very ill with his learned pretensions; his tale, if investigated, must have been discovered (as it

was by the defendant's agents) to be a gross fabrication. His claim had to be supported by most elaborate and complicated evidence, which afforded many opportunities for detecting its falsehood: those of Mr. Barber's clients were direct and simple. Provis's claim was from the first scouted by the defendant and his legal adviser as an impudent imposture: those which Mr. Barber and his partner supported were never disputed. In *Smyth's case* the professional bill of the solicitor for the claimant would probably amount to several thousand pounds: that of Mr. Barber and partner, in *Slack's case*, was but 13*l.*, his only advantage in the transaction (in which Fletcher and the pretended Emma Slack realised between them 4600*l.*) being 6*l.* 10*s.*

The case of this impostor Provis has not only been universally regarded by the press, upon review, as a bungling and preposterous fraud, but it was so viewed by almost every one who heard the evidence as it proceeded, especially that of the plaintiff himself; yet this man must have been previously subjected to lengthened, minute, and frequent interrogation from his own legal advisers; but so far from knowledge, or even suspicion, of fraud being imputed to either of these gentlemen, they have received from the highest quarters a spontaneous and unqualified exculpation.

Surely, when such implicit faith is placed in the bona fides of those who brought even such a cause as this into court, justice requires that at least as favourable a construction should be extended to a man in the position of Mr. Barber.

—◆—  
We insert the following observations by a correspondent:—

In the spring of the present year the judges of the county courts were requested to send to the Audit-office at Somerset House, for enrolment, "the instruments by which they were appointed judges," and it was stated that "the document would be returned to them after it had been enrolled in the books of the office." The documents have not been returned, but, on the contrary, have, as it appears, been handed to the Commissioners of Stamps; and the Lords of the Treasury have just issued a circular calling on the county court judges to pay the duty of 7*5l.* each for their appointment, together with a penalty of 10*l.* in those cases in which the appointments bear date more than a year before the stamps are affixed. This seems a strong proceeding, considering that under the *stat. 9 & 10 Vict. c. 95, s. 66*, no writing whatever is required for the appointment of a county court judge. The writings issued by Lord Cottenham, on making appointments, were for the purpose principally of pointing out the districts of the judges, the appointments of the judges themselves being valid without writing. It may be reasonably doubted whether the provision of the *stat. 55 Geo. 3, c. 184, tit. "Grant,"* is not to be restricted to those cases in which a writing is necessary, especially considering the principles by which revenue acts are generally construed. The effect of the decision of the Lords Commissioners is to compel a county court judge, who may be appointed to a fresh district under *sect. 19* of the County Courts Act, to pay another sum of 7*5l.*, and so on toties quoties. It should seem that some further consideration is necessary in this matter.



## PUBLIC GENERAL STATUTES.

16 &amp; 17 VICTORIA.—SESSION 1.

(Continued from p. 348).

## CAP. LXX.

An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates. [15th August, 1853.]

- Sect. 1. *Acts and Parts of Acts named in first Schedule repealed, but Validity of Proceedings, &c. not to be affected. Mode of Proceeding in existing Cases.*  
 2. *Interpretation of Terms.*  
 3. *Schedules Parts of Act.*  
 4. *Extent of Act.*  
 5. *Commencement and short Title of Act.*

## Officers.

6. *Power to Lord Chancellor to appoint two Masters in Lunacy, who, before acting, shall take Oath in the second Schedule.*  
 7. *Masters to have Powers of Commissioners.*  
 8. *All References connected with Lunatics to be made to Masters.*  
 9. *Masters to perform Duties under Regulations of the Lord Chancellor.*  
 10. *Registrar to perform Duties under Regulations of the Lord Chancellor.*  
 11. *Duties of Clerk of the Custodies to be performed by Masters and Registrar.*  
 12. *As to the Masters' Salaries and retiring Annuities.*  
 13. *Power to Lord Chancellor to remove and grant Annuities to future Masters, if afflicted with Infirmary.*  
 14. *Salary of Registrar.*  
 15. *Number and Salaries of the Clerks of the Masters and the Registrar.*  
 16. *Power to Lord Chancellor to appoint Visitors.*  
 17. *Masters to be ex officio Visitors.*  
 18. *Visitors not to be interested in Houses for Reception of Insane Persons.*  
 19. *Salaries of Visitors.*  
 20. *The Visitors and Masters to form a Board.*  
 21. *Medical or Legal Visitor may appoint a Substitute during his Illness, &c.*  
 22. *Lord Chancellor to appoint a Secretary to Visitors.*  
 23. *The Salary of the Secretary and his Clerk.*  
 24. *Masters, Visitors, &c. to be allowed travelling and other Expenses.*  
 25. *Salaries, &c. to be paid quarterly, out of Suitors' Fee Fund.*

## Per-centage and Fees.

26. *Per-centage on clear Incomes to be paid according to the Scale herein specified.*  
 27. *Masters to certify Amount, &c., which shall be paid out of the Income of the Lunatic.*  
 28. *Per-centage to be paid, notwithstanding Death, &c. before Payment.*  
 29. *Present Fees abolished, and new Fees substituted.*  
 30. *Power to Lord Chancellor to alter Per-centage and Fees.*  
 31. *Per-centage and Fees to be collected by Stamps, and the Provisions of 15 & 16 Vict. c. 87, respecting Stamps, &c., extended to this Act.*  
 32. *Power to exempt small Properties.*  
 33. *Provisions respecting Per-centage and Fees to apply to Cases under 8 & 9 Vict. c. 100, and to certain Cases where Lunatic is out of Jurisdiction.*  
 Recital of 3 & 4 Will. 4, c. 36, imposing a Per-centage for Visitors of Lunatics.  
 34. *Sums due for this Per-centage to be paid.*  
 35. *Salaries, &c. charged on this Per-centage to continue payable thereout for a limited Time.*  
 36. *Account to be closed, and Balance carried to Suitors' Fee Fund.*  
 37. *Account to be audited.*

## Inquisition.

38. *Commissions may be directed to fewer than three Persons, and shall be directed to Masters.*  
 39. *General Commission may be issued directed to Masters.*  
 40. *Alleged Lunatic, within Jurisdiction, to have Notice, and may demand an Inquiry before a Jury.*  
 41. *Where alleged Lunatic demands a Jury, Lord Chancellor may examine him as to Competency, and order a Jury.*  
 42. *Cases where a Jury may be dispensed with.*  
 43. *Jury to be had, if Masters certify that it is expedient.*  
 44. *Certificate of Masters without a Jury to be deemed an Inquisition.*  
 45. *Jury to be had if Lunatic out of Jurisdiction.*  
 46. *Lord Chancellor may regulate the Number of Jury.*  
 47. *Inquiry not to be carried back except under special Order.*  
 48. *Commissioner, with Jury, to have Powers of Judge of Court of Record.*  
 49. *The foregoing Provisions prospective only.*  
 50. *Nothing to preclude the Lord Chancellor from issuing a Special Commission.*  
 51. *Reference in other Acts to Commission shall apply to General Commission hereby authorised to be issued.*  
 52. *Inquisition and Supersedeas may be transmitted from and to Ireland and England, and be acted upon there respectively.*  
 53. *Proceedings under 8 & 9 Vict. c. 100, to be discontinued.*  
 54. *Inquiry may be ordered on Report of Commissioners.*

## Proceedings after Inquisition.

55. *Evidence may be oral, &c.*  
 56. *Masters may administer Oaths and take Recognisances.*  
 57. *Swearing of Affidavits in the Colonies, &c.*  
 58. *Form of Affidavits.*  
 59. *Short Form of Affidavit for Verification of Documents, as in Schedule III.*  
 60. *Witnesses may be cross-examined orally. How expenses to be paid.*  
 61. *Masters may issue Advertisements.*  
 62. *Masters to approve of Security to be given by Committee of Estate.*  
 63. *If her Majesty do not by her Warrant direct Grant of Custody to be under Great Seal, Order of Lord Chancellor shall have the same Effect.*  
 64. *Masters may authorise Payment of Transfer into Court of Money or Stock as Security for Committee.*  
 65. *Masters may receive and deliver out Deeds, &c. of Lunatic, and authorise Payment or Transfer into Court of Money or Stock belonging to Lunatic.*  
 66. *Grant of Custody may be extended to surviving or continuing Committees in certain Cases.*  
 67. *Form of Allowance of Accounts.*  
 68. *Masters to distinguish Items in Account which they cannot allow, and the Account to be submitted to Lord Chancellor.*  
 69. *Masters to receive Proposals in certain Cases.*  
 70. *Masters may receive Proposals in other Cases.*  
 71. *Persons objecting to Masters receiving Proposal may apply to Lord Chancellor.*  
 72. *Masters may certify as to Propriety of Proposal with regard to Costs.*  
 73. *Person insisting on Report liable to Costs.*  
 74. *On Application not being made to Masters, Costs may be ordered to be paid.*  
 75. *Masters to inquire as to Next of Kin, and they are to have Notice of Proceedings.*  
 76. *No Inquiry as to Next of Kin where Property exempted from Fees.*  
 77. *Lord Chancellor may dispense with or limit Inquiry as to Next of Kin.*  
 78. *Masters to report where Inquiry as to Next of Kin inexpedient.*  
 79. *Masters may dispense with strict Proof of Pedigree in certain Cases.*

80. Lord Chancellor may dispense with Attendance of Next of Kin.
  81. Masters to determine which of Next of Kin to attend before them, and to certify, and the same only to attend before Lord Chancellor.
  82. Masters may appoint Guardian for Lunacy.
  83. In Cases of Members of same Family, Proceedings may be consolidated, and Evidence interchanged.
  84. Masters may open and deliver out Will.
  85. Masters may inquire respecting Interest in Stock of Lunatic residing out of Jurisdiction.
  86. Masters may direct Times, &c. of proceeding before them.
  87. Masters to inquire into Delays.
  88. Masters may disallow Costs.
  89. Documents not to be of unnecessary Length.
  90. Masters may report Decision pending Inquiry.
  91. Form of Reports.
  92. Reports to be filed with Registrar in Lunacy only.
  93. Objections to Report may be brought in.
  94. No Petition against Confirmation, but Objections to be brought forward on Petition for Confirmation.
  95. Reports not objected to may be confirmed without Petition.
  96. Such Reports to contain consequential Directions, and Fiat of Lord Chancellor to give them Operation of Orders.
  97. Cases in which Reports shall not be confirmed without Petition.
- Orders.
98. Form of Orders.
  99. Orders to be communicated to Masters.
  100. Orders to be entered by the Registrar, and Office Copies to be furnished and signed by him.
  101. Money Orders to be acted upon by Accountant-General as if drawn up by the Registrar of the Court of Chancery. Registrar to certify to Accountant-General.
  102. Persons forging the Signature or Seal of the Registrar guilty of Felony.
  103. These Provisions to apply to Cases under the 8 & 9 Vict. c. 100, s. 95.
- Visiting.
104. Lunatics to be visited at least once a Year.
  105. Medical Visitors and future Legal Visitors to visit either together or in Succession.
  106. Visitors to report to Lord Chancellor.
  107. Visitors' Reports to be kept secret, and destroyed on Death, &c.
- Management and Administration of Estate.
108. Committee to appear and take Admittance to Copyholds. In Default, Lord may appoint Attorney to take Admittance.
  109. Fine upon Admittance may be imposed and demanded.
  110. If not paid &c., Lord may enter, and receive Profits of the Copyhold till he is satisfied &c. Lord to account yearly, and to deliver up Possession on Satisfaction.
  111. Committee paying Fine may reimburse himself out of Rents.
  112. Unlawful Fines may be controverted. No Forfeiture for not appearing or not paying Fine.
  113. Committee may surrender Lease, and accept Renewal.
  114. Charges of Renewal to be charged on Estates.
  115. New Leases to be to the same Uses.
  116. Lunatic's Property may be sold, mortgaged, &c. for Debts, Maintenance, &c.
  117. Modes in which future Maintenance may be charged when Interest not in Possession.
  118. Expenses of Improvements may be charged on Estate.
  119. Surplus of Monies to be of the same Nature as the Estate.
  120. Where Property very small, Lord Chancellor may apply same directly for Lunatic's Maintenance, without Grant, &c.
  121. Where Lunacy temporary, Lord Chancellor may apply Cash arising from Income for temporary Maintenance, without Grant, &c.
  122. Committee may convey Land in Performance of Contracts.
  123. Lord Chancellor may dissolve Partnership, and Committee may convey Partnership Property.
  124. Committee may make Sale, Partition, or Exchange.
  125. Committee may sell Land for Building Purposes.
  126. Committee may assign Business Premises.
  127. Committee may dispose of undesirable Lease.
  128. Committee may make Agreements under the 1 Geo. 4, c. 10.
  129. Committee may make Building and other Leases, subject to such Covenants as Lord Chancellor shall order.
  130. Committee may make Leases of Mines already opened.
  131. Committee may, where necessary for Maintenance of Lunatic, or expedient, make Leases of Mines unopened.
  132. Produce of newly-opened Mines, where necessary for Lunatic's Maintenance, to be so applied; otherwise to be carried to separate Account, and be considered Real Estate.
  133. Committee may execute leasing Powers of Lunatic having limited Estate.
  134. Committee may accept Surrender and make new Lease.
  135. Fines, how to be paid. On Death of Lunatic, Quality of Money arising by Fines.
  136. Committee may exercise Power vested in Lunatic for his own Benefit, or give Consent.
  137. Committee may exercise Power vested in Lunatic in Character of Trustee or Guardian, &c.
  138. Appointment of new Trustees under Power to have Effect of Appointments by Court of Chancery, and like Orders may be made as under Trustee Act, 1850.
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  141. Stock in Name of Lunatic residing out of England and Wales may be ordered to be transferred.
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  143. Transfers, &c. to be binding.
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  145. Costs may be paid out of Estate.
  146. Act not to subject Lunatic's Property to Debts.
  147. Powers to extend to Colonies, &c.
- Traverse.
148. Petitions for Traverse to be presented within a limited Time.
  149. Persons not petitioning, or not proceeding to Trial within limited Time, barred.
  150. Lord Chancellor may direct new Trials. No Person shall traverse oftener than once.
  151. Lord Chancellor may, notwithstanding Traverse, make Orders for Management of Person and Estate.
- Supersedas.
152. Inquisition may be superseded upon Terms.
- General Orders.
153. Power to Lord Chancellor to make General Orders.

For removing or diminishing the delays and expenses now attending on the execution of commissions in the nature of writs de lunatico inquirendo, and the proceedings consequent on inquisitions taken thereon, and for regulating and amending the practice and course of procedure in matters of lunacy, and for consolidating and amending the several acts of Parliament respecting the care and management of the persons and estates of lunatics so found by inquisition, and the appointments, duties, and salaries of officers in lunacy, be it enacted &c. as follows:—

Sect. 1. The several acts of Parliament mentioned in the first schedule hereunder written shall be and the same are hereby repealed, to the extent specified concerning the same acts respectively in the third column of the same schedule, but so that the validity of any proceeding taken or pending under the said acts, or any of them, before or at the commencement of this act, or any appointments, salaries, annuities,

compensations, or allowances made or given by or under the said acts, or any of them, before the commencement of this act, shall not be taken away, diminished, or in anywise injuriously affected by the repeal aforesaid; and no new or further order, minute, or direction whatsoever shall be deemed to be necessary by reason or in consequence of the repeal aforesaid, respecting any such appointment, salary, annuity, compensation, or allowance as aforesaid, except where by this act any salary or other payment is made payable out of a fund not heretofore chargeable therewith; and all proceedings respecting the person or estate of every person before the commencement of this act found by inquisition idiot, lunatic, or of unsound mind, and incapable of managing himself or his affairs, or any proceedings for the purpose of procuring such a finding, shall be carried on, as far as may be practicable, according to the provisions of this act, and, subject thereto, according to the provisions of the said acts, or any of them, which shall for that purpose be deemed to continue in force notwithstanding the repeal aforesaid, or in case of doubt as to the mode of procedure in such of the modes aforesaid, as the Masters in Lunacy shall direct.

2. In this act, unless there be something in the subject-matter or context repugnant to the construction—

The expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of Great Britain for the time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the custody of the Great Seal of the United Kingdom for the time being;

And the expression "the Lord Chancellor intrusted as aforesaid" shall be construed to mean the Lord High Chancellor of Great Britain for the time being intrusted by virtue of the Queen's sign-manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind; and when and so long as the Lords Justices of the Court of Appeal in Chancery for the time being shall be intrusted as aforesaid concurrently with the Lord Chancellor, then and so long the last-mentioned expression shall be construed to include or be applicable to the Lords Justices aforesaid, so that all the powers, authorities, and duties to be had, exercised, and performed under this act by the Lord Chancellor intrusted as aforesaid shall and may be had, exercised, and performed as well by the Lord Chancellor acting either alone or jointly with both or either of the Lords Justices aforesaid, as by both of the Lords Justices aforesaid acting jointly apart from the Lord Chancellor;

And the expression "the Lords Justices" shall be construed to mean the Lords Justices aforesaid for the time being, or one of them;

And the expression "the Lord Chancellor of Ireland" shall be construed to comprehend the Lord Keeper or Lords Commissioners for the custody of the Great Seal of Ireland for the time being;

And the expression "the Masters" shall be construed to mean the Masters in Lunacy for the time being, jointly or severally;

And the expression "the Registrar" shall be construed to mean the Registrar in Lunacy for the time being;

And the word "commission" shall be construed to mean a commission in the nature of a writ de lunatico inquirendo, and to comprehend the general commission by this act authorised to be issued;

And the word "land" shall be construed to comprehend any manor, messuage, tenement, hereditament, or real property of whatsoever tenure, and also property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein;

And the word "stock" shall be construed to comprehend any fund, annuity, or security transferable in books kept by any company or society, or any money payable for the discharge or redemption thereof, or any share or interest therein;

And the word "dividends" shall be construed to comprehend interest or other annual produce;

And the provisions relating to "the Bank of England" shall be construed to extend and be applicable to the East India Company, the South Sea Company, and

every other company or society established or to be established;

And the word "conveyance" shall be construed to comprehend any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same;

And the word "transfer" shall be construed to comprehend any assignment, payment, or other disposition;

And the word "lunatic" shall be construed to mean any person found by inquisition idiot, lunatic, or of unsound mind, and incapable of managing himself or his affairs;

And the expression "next of kin" shall be construed to refer to the next of kin of a lunatic, and to comprehend his heir or heirs-at-law, and also the person or persons who would be entitled to his estate, or to shares thereof, under the statutes for the distribution of the effects of intestates, in case he were dead intestate;

And the word "person" or "party" shall be construed to comprehend a body corporate.

3. The schedules hereunder written shall be deemed to be parts of this act.

4. This act shall extend to England and Wales, and to Ireland, where the same is specifically mentioned.

5. This act shall take effect from the 28th October, 1853, and may be cited as "The Lunacy Regulation Act, 1853."

And with respect to the several officers in lunacy, be it further enacted as follows:—

6. There shall be two Masters in Lunacy, who shall hold their offices during good behaviour, and the present Masters in Lunacy shall be continued and be the Masters in Lunacy during good behaviour, and the Lord Chancellor shall from time to time, as any vacancy shall occur in the office of Master in Lunacy, appoint a fit person, being a serjeant or barrister-at-law of not less than ten years' standing at the bar, to fill the vacancy, and the person to be so appointed shall, before being capable of acting as Master in Lunacy, take before the Lord Chancellor, in the manner now used, the oath set forth in the second schedule hereunder written, and the Masters in Lunacy for the time being shall have the same rank and precedence as the present Masters now take.

7. The Masters in Lunacy shall have, perform, and execute all the powers, duties, and authorities which were at the time of the passing of the act of the session of Parliament holden in the 5 & 6 Vict. c. 84, had, performed, and executed by commissioners named in commissions in the nature of writs de lunatico inquirendo.

8. All the inquiries and matters connected with the persons and estates of lunatics which were at the time of the passing of the last-mentioned act of Parliament usually referred to the Masters in Ordinary of the High Court of Chancery (except inquiries and matters which may be or might have been referred under the Trustees Act, 1850, or any act thereby repealed) shall henceforth, where references shall be made, be referred to the Masters in Lunacy, who shall have, perform, and execute all the powers, duties, and authorities relating to the inquiries and matters so to be referred to them as aforesaid which were at the time last aforesaid had, performed, and executed by the Masters in Ordinary of the High Court of Chancery, and shall perform such other duties for the security and advantage of lunatics and their estates as the Lord Chancellor intrusted as aforesaid shall from time to time direct.

9. All the powers and authorities by or under this act vested or to be vested in the Masters shall be joint and several, and they shall execute commissions and conduct inquiries connected with lunatics or their estates, and perform all other duties committed or to be committed to them by or by virtue of any act hereby repealed, or this act, either separately or together, and at such places, within such times, and in such manner as any general order in lunacy, and, subject thereto, as any special order of the Lord Chancellor intrusted as aforesaid, shall from time to time direct.

10. The Lord Chancellor shall have, as at present, an officer called "The Registrar in Lunacy," who shall perform the duties committed to him by or by virtue of this act, and such other duties connected with lunatics and their estates, at such places, within such times, and in such manner, as the Lord Chancellor shall from time to time direct.

11. The Masters and the Registrar respectively shall continue to discharge all duties which formerly belonged to the office of Clerk of the Custodies of Idiots and Lunatics, and which were, under the provisions of the act of the session of Parliament holden in the 5 & 6 Vict. c. 84, on the abolition of that office, transferred to them respectively, so far as the same may be necessary to be discharged, according to the practice for the time being subsisting in lunacy.

12. The Masters shall receive salaries of 2000*l.* per annum each; and the Lord Chancellor may, on a petition presented to him for that purpose, order (if he shall so think fit) annuities, not exceeding the sum of 1200*l.* each, to be paid to the persons continued and to be appointed Masters respectively, if and when they respectively shall be afflicted with some permanent infirmity disabling them respectively from the due execution of their respective offices, and shall be desirous of resigning the same.

13. The Lord Chancellor may by order remove any one of the Masters in Lunacy to be appointed after the commencement of this act, who shall be afflicted with any permanent infirmity disabling him from the due execution of his office, and who shall refuse to resign or be incapable of resigning the same, and may, upon such removal, order to be paid to him an annuity or retiring allowance not exceeding in amount two equal third parts of his yearly salary.

14. The Registrar shall receive such salary as the Lord Chancellor, with the approbation of the Commissioners of her Majesty's Treasury, has directed or shall from time to time direct.

15. Such officers, clerks, and messengers shall and may be from time to time appointed by the Masters and the Registrar respectively in their respective offices as the Lord Chancellor, with the approbation of the Lords Commissioners of her Majesty's Treasury, has directed or shall from time to time direct, but the appointment of the chief clerk of the Masters shall be made with the approbation of the Lord Chancellor; and the present officers, clerks, and messengers shall be continued as if this act had not been passed, and without prejudice to any right or claim of them or any of them in respect of length of service or otherwise; and the officers, clerks, and messengers for the time being shall respectively receive such salaries as the Lord Chancellor, with the approbation of the said Commissioners of the Treasury, has directed or shall from time to time direct.

16. There shall be two medical visitors and one legal visitor of lunatics, who shall hold their offices during pleasure; and the present visitors shall be continued and be the visitors during pleasure; and the Lord Chancellor shall from time to time, as any vacancy shall occur in the office of medical visitor or legal visitor, appoint, by writing under his hand, a fit person, being a physician in actual practice, to succeed a medical visitor, and a fit person, being a barrister of not less than five years' standing, to succeed a legal visitor.

17. The Masters for the time being shall, by virtue of their appointments to be Masters, become and be visitors of lunatics jointly with the visitors for the time being.

18. No person shall be appointed to be a visitor who shall be or shall have been within the two years then next preceding directly or indirectly interested in the keeping of any house licensed for the reception of insane persons; and if any person shall after his appointment become so interested, his appointment as visitor shall ipso facto become null and void, and thereupon his salary shall cease.

19. The medical visitors shall receive such salaries, not exceeding the sum of 500*l.* per annum each, and the legal visitor to be appointed after the commencement of this act shall receive such salary, not exceeding the like sum, as the Lord Chancellor, with the approbation of the said Commissioners of the Treasury, shall from time to time order; and the salary of the present legal visitor shall remain at its present amount.

20. The medical and legal visitors and the Masters, or so many of them, not being less than three in number, as may from time to time be able, consistently with the discharge of their other duties, to attend, shall from time to time form themselves into a board for their mutual guidance and direction on matters connected with the visiting of lunatics; and the board shall be at liberty to report to the Lord Chancellor intrusted as aforesaid upon any matter connected with the duties of the visitors or of the board, as they think proper.

21. Where a medical or a legal visitor is temporarily prevented from discharging his duty by illness or unavoidable absence, but not otherwise, he may, with the approbation of the Lord Chancellor intrusted as aforesaid, appoint a physician in actual practice, or a barrister of not less than five years' standing, (as the case may require), to act in his stead during his illness or unavoidable absence; and the physician or the barrister so appointed shall, while his appointment remains in force, have, perform, and execute all the powers, duties, and authorities belonging to the office of medical visitor or of legal visitor (as the case may be) with full validity and effect to all intents and purposes.

22. There shall be a secretary to the visitors, who shall hold his office during pleasure; and the present secretary shall be continued and be the secretary during pleasure; and the Lord Chancellor shall from time to time, as a vacancy shall occur in the office of secretary, appoint, by writing under his hand, a fit person to fill the vacancy.

23. The secretary shall receive such salary, not exceeding the sum of 300*l.* per annum, as the Lord Chancellor has ordered or shall from time to time order; and a clerk to the secretary may be appointed by him, with the approbation of the Lord Chancellor, who shall receive such salary, not exceeding the sum of 150*l.* per annum, as the Lord Chancellor shall from time to time order.

24. Such allowances as the Lord Chancellor, with the approbation of the said Commissioners of the Treasury, shall from time to time order, shall be made to the masters and the visitors for their respective travelling and other expenses, and to the masters and the registrar, and the secretary to the visitors, (but in the latter case under the direction of the visitors), for providing and maintaining suitable offices, and for the other expenses incident to the discharge of the duties of their respective offices.

25. All salaries and annuities continued or given by or under this act (inclusive of the salaries of the visitors and their secretary, as from the day on which the account, intitled "The Account of the Board of Visitors for the better Care and Treatment of Lunatics," shall be closed as hereinafter mentioned) shall grow due from day to day, and the same, with all allowances continued or given by or under this act, (inclusive of the allowances to the visitors and their secretary as from the same day), shall be payable and paid under order of the Lord Chancellor to the several persons entitled thereto, or to their respective executors or administrators, out of the fund standing in the name of the Accountant-General of the Court of Chancery, to the account intitled "The Suits' Fee Fund Account," on the 3rd February, the 3rd May, the 3rd August, and the 3rd November in every year, or on such other days as the Lord Chancellor shall from time to time direct, free from deduction; and all such salaries, annuities, and allowances as aforesaid which are continued by or under this act shall be payable out of the aforesaid fund in such priority as they respectively would have had if the several acts hereby repealed had not been repealed; and all such salaries, annuities, and allowances as aforesaid, which are or shall be originally by or under this act charged upon the aforesaid fund, shall be payable and paid out of the same fund, subject and without prejudice to the payment of all other sums of money by any former act or acts now in force directed or authorised to be paid thereout.

And whereas it would greatly facilitate the simplification and improvement of the practice in lunacy, and would be attended with convenience and with a saving of expense to the estates of lunatics, that the charges incident to the administration of the estates of lunatics under the authority of the Lord Chancellor should be defrayed in part by means of a per-centage, graduated in an equitable manner as between the richer and poorer estates, and in part by means of fees on proceedings: be it therefore enacted as follows:—

26. A per-centage on the respective clear annual incomes of all lunatics shall be paid according to the several rates following; that is to say—

The rate of 4*l.* per centum for each clear annual income amounting to 100*l.* and not amounting to 1000*l.*, but so that no larger sum be payable in any such case in any one year than 30*l.*;

The rate of 3*l.* per centum for each clear annual income amounting to 1000*l.* and not amounting to 5000*l.*, but

so that no larger sum be payable in any such case in any one year than 100*l.*; and

The rate of 2*l.* per centum for each clear annual income amounting to 5000*l.* or upwards, but so that no larger sum be payable in any such case in any one year than 200*l.*;

And in every case the fractional parts less than one moiety of the pound sterling shall be disregarded in the calculation of the amount payable for per-centage, and shall not be levied or paid.

27. The Masters shall from time to time certify what is the amount of each such clear annual income as aforesaid, and of the per-centage payable thereon, and who is the committee or other person who is to pay the same, and thereupon such committee or other person as aforesaid shall pay the same out of the first monies coming to his hands in respect of the income of the lunatic.

28. The per-centage aforesaid, or a proportionate part thereof, (as the case may require), shall be chargeable and charged upon the estate of a lunatic, and be payable thereout, although before payment thereof he die, or the inquisition in his case be superseded, or be vacated and discharged on a traverse; but in either of the two cases last aforesaid the Lord Chancellor intrusted as aforesaid may, if he see fit, remit or reduce the amount of the sum to be paid; and the payment of the amount in every case shall be enforced in such manner and under such regulations as the Lord Chancellor, with the advice and assistance of the Lords Justices, being intrusted as aforesaid, shall from time to time direct.

29. All fees now payable in relation to proceedings in lunacy shall be and the same are hereby abolished, and in lieu thereof there shall be paid the following fees only; that is to say—

For each order or fiat of the Lord Chancellor intrusted as aforesaid .....	£2	0	0
For each report or certificate of the Masters and Taxing Masters respectively (other than a certificate of the Masters respecting income and per-centage only) .....	1	0	0
For attending any court by the clerk, per diem .....	1	0	0

And for all ingrossments, transcripts, and copies of documents and papers, the actual amount of the stationer's charges paid by the Masters and Registrar respectively for the same.

30. The Lord Chancellor may, with the advice and assistance aforesaid, by order, from time to time reduce the several rates of per-centage aforesaid, or any of them; and again, if it shall seem to him expedient, from time to time raise the same several rates, or any of them, but not to rates higher than those respectively hereinbefore prescribed; and also may, with the like advice and assistance, by order, from time to time vary or abolish the fees aforesaid, or any of them, or other the fees for the time being payable in relation to proceedings in lunacy, or any of them, and, if and when it shall seem to him necessary or expedient, fix and impose other fees, or fees of altered amount.

31. The per-centage and the fees for the time being payable under this act shall be collected by means of stamps, which shall be under the management of the Commissioners of Inland Revenue; and the provisions of the act of the last session of Parliament [15 & 16 Vict. c. 87] for "the Relief of the Suitors of the High Court of Chancery," respecting stamps, and the monies arising from the sale thereof, shall be and are, and every of them is, hereby extended so as to be applicable and applied, mutatis mutandis, to stamps to be used under this act, and the monies arising from the sale thereof.

32. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net amount or net estimated value of the property of a lunatic does not exceed the sum of 700*l.* sterling in respect of the corpus thereof, or the sum of 50*l.* sterling per annum in respect of the income thereof, he may order (if he shall think fit) that no fee shall be taken or paid, or per-centage be levied or paid, in relation to the proceedings in the matter or the property, as from the date of the order or such other time as he shall direct, during the continuance of the lunacy or until further order.

33. All the foregoing provisions respecting fees and per-centage shall be applicable to the proceedings in the matter of, and to the property of, a lunatic under the protection of the Lord Chancellor intrusted as aforesaid by virtue of proceedings taken under the provisions of the act of the session

of Parliament holden in the 8 & 9 Vict. c. 100, s. 95, and also to the proceedings in the matter of, and to the property of, a lunatic under the protection of the Lord Chancellor intrusted as aforesaid by virtue of the transmission of the record of an inquisition from Ireland, and its entry of record in the Chancery of England, and also to the proceedings in the matter of, and to the property of, a person residing out of England and Wales, and declared idiot, lunatic, or of unsound mind according to the laws of the place where he is residing, where the Lord Chancellor intrusted as aforesaid makes an order affecting the stock or any portion of the capital stock or shares of such person as last aforesaid, or the dividends thereof; and the aforesaid provisions shall be applied to the several classes of cases mentioned in this present section in such manner and under such regulations as the Lord Chancellor shall, with the advice and assistance aforesaid, from time to time order, but so that no per-centage be levied or paid in either of the two last-mentioned cases, except in respect of income arising from property being within the jurisdiction of the Lord Chancellor intrusted as aforesaid, and being administered by him or under his authority and direction.

And whereas the per-centage which is now, under the provisions of the act passed in the session of Parliament holden in the 3 & 4 Will. 4, c. 36, imposed upon the estates of lunatics, and paid into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Chancery, to an account intitled "The Account of the Board of Visitors for the better Care and Treatment of Lunatics," will be discontinued under this act: be it therefore further enacted as follows:—

34. Every committee, receiver, or other person who is or shall be liable to pay any money in respect of the per-centage last aforesaid shall, notwithstanding this act, pay the same into the Bank, in the manner now used, either to the account last aforesaid, or, after it has been closed as hereinafter provided, to the said "Suitors' Fee Fund Account," and be allowed the same on passing his accounts before the Masters.

35. All salaries and other sums of money payable out of the monies standing to the credit of "The Account of the Board of Visitors for the better Care and Treatment of Lunatics" shall continue to be payable thereout, until the account shall be closed as hereinafter is provided, and shall be paid thereout accordingly in the manner now used.

36. The last-mentioned account shall be closed on the 3rd December next after the passing of this act, or on such other day as the Lord Chancellor, with the advice and assistance aforesaid, shall order, and the balance which shall then be remaining on the same account shall be carried over to the said "Suitors' Fee Fund Account," under order of the Lord Chancellor.

37. The account of monies received and paid on "The Account of the Board of Visitors for the better Care and Treatment of Lunatics," not previously audited, shall, as soon as may be after the closing of the account, be made out by the secretary to the visitors, and be audited and signed by the Master in Ordinary of the High Court of Chancery, or other officer to whom the matter of the account shall then stand referred, and shall be afterwards filed with the Registrar in Lunacy, and no fee shall be charged or taken upon, for, or in respect of the auditing or filing thereof.

And with respect to the inquisition, be it further enacted as follows:—

38. Any commission in the nature of a writ de lunatico inquirendo directed to one person or to two persons, and the inquisition returned thereon, shall be as valid and effectual, to all intents and purposes, as if directed to and returned by more than two persons; and every commission shall (subject to the provision hereinafter contained) be directed to the Masters, or one of them, and may be varied in form from that now in use, in such manner as to the Lord Chancellor may seem necessary or expedient.

39. In lieu of the commission now issued specially in each case of alleged lunacy, a general commission to the like effect, with such variations as may be necessary or expedient, may from time to time be issued in duplicate under the Great Seal, directed to the Masters by name, jointly and severally, who shall by virtue thereof proceed, in each case of alleged lunacy concerning which the Lord Chancellor intrusted as aforesaid

shall order them to inquire, in like manner and with all the like powers and authorities (subject to the provisions herein-after contained) as if a commission had issued specially in such case, and every inquisition found and returned thereon shall be as valid and effectual, to all intents and purposes, as if the same had been found and returned on a separate commission.

40. Where the alleged lunatic is within the jurisdiction, he shall have notice of the presentation of the petition for inquiry, and may, by a notice signed by him, and attested by his solicitor, and filed with the Registrar, either before the presentation of the petition or within seven days after such notice had by him as aforesaid, or at or within such other time as the Lord Chancellor intrusted as aforesaid shall order in the particular case, demand an inquiry before a jury.

41. Where the alleged lunatic demands an inquiry before a jury, the Lord Chancellor intrusted as aforesaid shall in his order for inquiry direct the return of a jury, unless he be satisfied, by personal examination of the alleged lunatic, that he is not mentally competent to form and express a wish for an inquiry before a jury; and the Lord Chancellor intrusted as aforesaid may, where he shall deem it necessary, after presentation of the petition for inquiry, and for the purpose of personal examination, require the alleged lunatic to attend him at such convenient time and place as he may appoint.

42. Where the alleged lunatic does not demand an inquiry before a jury, or the Lord Chancellor intrusted as aforesaid is satisfied, by personal examination of him, that he is not mentally competent to form and express a wish in that behalf, and it appears to the Lord Chancellor intrusted as aforesaid, upon consideration of the evidence adduced before him on the petition for inquiry, and of the circumstances of the case, so far as they are before him, to be unnecessary or inexpedient that the inquiry should be before a jury, and he accordingly does not in his order for inquiry direct the return of a jury, then the Masters shall, by virtue of their general commission, and under such order for inquiry, but without a jury, personally examine the alleged lunatic, and take such evidence, upon oath or otherwise, and call for such information, as they may think fit, or the Lord Chancellor intrusted as aforesaid may direct, in order to ascertain whether or not the alleged lunatic is of unsound mind, and shall certify their finding thereon.

43. Where the Lord Chancellor intrusted as aforesaid, under such circumstances as hereinbefore mentioned, does not in his order for inquiry direct the return of a jury, but the Masters acting under the commission, upon consideration of the evidence before them, certify to him that in their opinion an inquiry before a jury is expedient, they shall, without further order, issue their precept to the sheriff, and shall proceed in like manner in all respects, and their proceedings shall be as valid and effectual to all intents and purposes, as if the Lord Chancellor intrusted as aforesaid had directed the return of a jury in the first instance.

44. Where the Masters certify that the alleged lunatic is of unsound mind, and incapable of managing himself or his affairs, or that he is of unsound mind, and incapable of managing himself or his affairs, and has been so from a time past, or, on the contrary, certify that the alleged lunatic is of sound mind, and capable of managing himself and his affairs, the certificate shall be and be deemed to be an inquisition, and be of the same force and effect, to all intents and purposes, and be returned, filed, and proceeded on in the same manner in all respects, as an inquisition taken upon the oath of a jury.

45. Where the alleged lunatic is not within the jurisdiction the inquiry shall be before a jury, and no further or other notice shall be necessary to be given to him than he would have been entitled to receive if this act had not been passed.

46. The Lord Chancellor may from time to time, by order, regulate the number of jurors to be sworn, but so that every inquisition upon the oath of a jury be found by the oaths of twelve men at the least.

47. The inquiry, whether with or without a jury, shall, as far as relates to the state of mind of the alleged lunatic, be confined to the question, whether or not the alleged lunatic is of unsound mind, and incapable of managing himself or his affairs, at the time of the inquiry, except where the Lord Chancellor intrusted as aforesaid, under special circumstances, shall direct that there be also an inquiry from what time the alleged lunatic has been of unsound mind, and incapable of managing himself or his affairs, or shall direct that there be

also an inquiry whether or not the alleged lunatic was of unsound mind, and incapable of managing himself and his affairs, at a previous time specified, and thenceforth down to the time of the inquiry.

48. The person executing an inquiry with a jury shall, while so employed, have all the like powers, authorities, and discretion as a judge of a court of record.

49. The foregoing provisions "with respect to the inquisition" shall apply only where the petition for inquiry is presented after the commencement of this act; and every petition for inquiry theretofore presented, and on which an order has not then been made, shall, with respect to the inquisition, be proceeded on as if this act had not been passed.

50. Nothing in this act contained shall be taken to preclude the Lord Chancellor from issuing a commission specially in any case of alleged lunacy, or from issuing a commission directed to any fit person or persons, in addition to the Masters, or one of them, if he shall upon any occasion deem it proper to do so; and the foregoing provisions shall be deemed to extend to every commission so issued specially, or so directed as aforesaid, so far as they may be applicable.

51. Where in any act of Parliament, order or rule of court, or instrument whatsoever, reference is made to a commission in the nature of a writ de lunatico inquirendo, or the inquisition thereon, the general commission hereby authorised to be issued, and such inquisition, or certificate operating as an inquisition, as is hereby authorised to be made and returned, shall be deemed to be intended by or comprehended in the reference.

52. Where it is desired that an inquisition taken on a commission issued under, or a writ of superseas thereof issued under, the Great Seal of the United Kingdom or under the Great Seal of Ireland respectively, should be acted upon in Ireland or in England respectively, the proper officer may, under order of the Lord Chancellor of Great Britain, or the Lord Chancellor of Ireland, as the case may be, transmit a transcript of the record of the inquisition, or of the writ, to the Chancery of Ireland or of England, as the case may be, which transcript shall thereupon be entered and be of record there respectively, and shall, when so entered of record, and if and so long only as the Lord Chancellor of Ireland intrusted as aforesaid, and the Lord Chancellor of Great Britain intrusted as aforesaid, as the case may be, shall see fit, be acted upon by them respectively, and be of the same validity and effect, to all intents and purposes, as if the inquisition had been taken on a commission issued under, or the writ of superseas had been issued under, the Great Seal of Ireland or of the United Kingdom respectively.

And whereas proceedings under commission confer larger and more effectual powers for the due protection, care, and management of the persons and estates of persons of unsound mind than proceedings under the act of the session of Parliament holden in the 8 & 9 Vict. c. 100, ss. 94 to 98, (both inclusive), and the expenses of proceedings under commission will be much diminished by this act: be it therefore further enacted as follows:—

53. It shall not be lawful for the Lord Chancellor intrusted as aforesaid to direct that one of the Masters shall make such examination as by the 95th section of the last-mentioned act [8 & 9 Vict. c. 100] is authorised in any case in which a petition or a report upon which such direction of the Lord Chancellor intrusted as aforesaid might be founded shall not have been presented or made before the commencement of this act.

54. Where the Commissioners in Lunacy for the time being shall, after the commencement of this act, by virtue of any authority for the time being enabling them in that behalf, report to the Lord Chancellor intrusted as aforesaid that they are of opinion that the property of any person alleged to be a lunatic, or detained or taken charge of as a lunatic, but not so found by inquisition, is not duly protected, or that the income thereof is not duly applied for his benefit, or to the same effect, the report shall be filed with the Registrar, and shall be deemed and taken to be tantamount to an ordinary petition for inquiry supported by evidence, and the alleged lunatic shall have notice of the report from such person as the Lord Chancellor intrusted as aforesaid shall from time to time direct, and the case shall proceed and be conducted as nearly as may be in all respects as is hereinbefore directed upon the presentation of a petition for inquiry.

And with respect to certain of the proceedings after inquiry, be it further enacted as follows:—

55. The Masters may direct that the evidence in the matter of a lunatic, or on any particular proceeding in the matter, be taken orally, or partly orally and partly by affidavit, and it shall be so taken accordingly.

56. The Masters may, in the matter of a lunatic or alleged lunatic, administer an oath to any witness, whether his deposition or affidavit is to be used before themselves or not, and recognisances may be taken and acknowledged before them.

57. The provisions of the act of the 15 & 16 Vict. c. 86, ss. 22, 23, 24, respecting affidavits made in causes or matters depending in the High Court of Chancery, shall be and the same are hereby extended so as to be applicable, *mutatis mutandis*, to affidavits made in matters in lunacy.

58. Every affidavit to be used in a matter in lunacy shall be taken and expressed in the first person of the deponent, and shall be divided into paragraphs numbered consecutively, and respectively confined, as nearly as may be, to distinct portions of the subject-matter.

59. Where an affidavit is required for verifying all or some of the statements contained in a petition, state of facts, proposal, or other document, the affidavit may be annexed or underwritten thereto, and may be in the form set forth in the third schedule hereunder written, with such variations as the circumstances may require; and where the aforesaid form is, in the opinion of the Taxing Master, applicable, no further or greater costs of any affidavit shall be allowed on taxation than would be allowed for an affidavit in the aforesaid form.

60. Every person giving evidence by affidavit shall be liable to oral cross-examination by or before the Masters, in the same manner as if the evidence given by him in his affidavit had been given by him orally before the Masters, and after cross-examination may be re-examined orally by or on behalf of the person filing the affidavit; and every person giving evidence by affidavit shall be bound to attend before the Masters, to be so cross-examined and re-examined, upon receiving due and proper notice, and payment or tender of his reasonable expenses, in like manner as if he had been duly served with a writ of subpoena ad testificandum before an examiner of the High Court of Chancery; and the expenses attending on such cross-examination and re-examination shall be paid in the first instance by the parties respectively, in like manner as if the witness cross-examined were the witness of the party cross-examining, and shall on taxation be ultimately borne and paid by the estate, or the parties respectively, or one of them, as the Lord Chancellor intrusted as aforesaid shall direct.

61. The Masters shall be at liberty to cause to be issued from time to time such advertisements as may to them seem expedient with reference to the subject-matter of a proposal or inquiry.

62. The Masters shall, instead of her Majesty's Attorney-General, approve, on behalf of her Majesty, of the security to be from time to time given by the committee of the estate, under order of the Lord Chancellor intrusted as aforesaid; and the acts of the Masters with respect to the security and to the grant of the custody shall have the same force and effect to all intents and purposes as the acts of her Majesty's Attorney-General with respect to the same matters now have.

63. In case her Majesty shall think fit to authorise the Lord Chancellor intrusted as aforesaid to make orders from time to time for the custody of persons already found or who may hereafter be found idiots or lunatics as aforesaid, and of their estates, without requiring that any grant or commitment of such custody should be passed under the Great Seal, then any order to be made by the Lord Chancellor intrusted as aforesaid in pursuance of such authority shall (as to the custody of the person immediately, and as to the custody of the estate upon the Master's certificate of completion of the committee's security) have the same force and validity as a grant and commitment of the custody of such idiots or lunatics and their estates would have had in case the same had been made under the Great Seal, by virtue of any authority for that purpose given by her Majesty to the Lord Chancellor intrusted as aforesaid, and the provisions of this act respecting the grant shall be deemed to extend to any order to be made as aforesaid.

64. Where it is desired and the Masters allow that the

approved committee of the estate should, in lieu of giving security in the manner now usual, by bond or recognisance with sureties, give security, in the whole or in part, by bringing into court an adequate sum of money or stock, the Masters may by certificate direct or give liberty for the payment into the Bank of England, with the privity of the Accountant-General of the Court of Chancery, to the credit of the matter of the lunatic, of any sum of money, or the transfer into the name and with the privity of the said Accountant-General, in trust in the matter of the lunatic, of any sum of stock, and may specify the account to which the sum of money or stock is to be placed, and may direct how any money is to be invested, or how any dividends are to be applied, and such payment, transfer, investment, and application, as the case may require, shall be made by virtue of such certificate, and the said Accountant-General shall declare the trust of the sum of money or stock when so paid or transferred accordingly, subject to the order of the Lord Chancellor intrusted as aforesaid.

65. Where it appears expedient, either with a view to the reduction of the amount of the security of the committee of the estate, or for any other reason, the Masters may without order receive or deliver out any deed or security belonging to the lunatic, and may by certificate direct or give liberty for the payment into the Bank of England, with the privity of the Accountant-General of the Court of Chancery, to the credit of the matter of the lunatic, of any sum of money belonging to the lunatic, or the transfer into the name and with the privity of the said Accountant-General, in trust in the matter of the lunatic, of any sum of stock belonging to the lunatic, and such payment or transfer, as the case may require, shall be made by virtue of such certificate, and the said Accountant-General shall declare the trust of the sum of money or stock when so paid or transferred accordingly, subject to the order of the Lord Chancellor intrusted as aforesaid.

66. Where the Masters find and report that several persons are the most fit persons to be appointed the committees of the estate or of the person, and they are of opinion that it is expedient that one or more of the same several persons should continue to be the committee or committees after the death or discharge of the others or other of them, and such persons are willing so to continue, the Masters may report accordingly; and where the report is confirmed, the approved committees of the estate may perfect their securities in such form as to extend to the acts and defaults of one or more of them, in accordance with the report, and thereupon the grant of the custody of the estate or of the person (as the case may be) shall be made conformably with the order of custody; and the continuing or surviving committee or committees to whom separately the grant extends shall and may continue until further order to act after the death or discharge of the others or other of them, with all the like powers, authorities, and discretions, and subject to all the like liabilities as the original committees.

67. The Masters' allowance of the account of a committee or receiver shall be signified under their hands, and be written under the account, but no certificate shall be made, except where it may be specially required with a view to payment of money into court, or for some other purpose.

68. Where the Masters are of opinion that any small expenses included in the committee's or receiver's account have been properly and reasonably incurred for the benefit or enjoyment of the lunatic, or the improvement, security, or advantage of his estate, and there is no opposition to the allowance thereof, but it may not be competent to them to allow the same to the committee or receiver without the sanction of the Lord Chancellor intrusted as aforesaid, they shall distinguish the items by some mark in their allowance of the account, which shall be made subject to the approval of the Lord Chancellor intrusted as aforesaid, and the account as passed by the Masters shall be submitted by them to the Lord Chancellor, without petition, for his allowance or disallowance in respect of the items so distinguished by them.

69. The Masters shall be at liberty, without an order of reference, to receive any proposal and conduct any inquiry respecting the managing, repairing, setting, or letting of the estate, and to report thereon.

70. The Masters shall also be at liberty, without an order of reference, to receive any proposal and conduct any inquiry relating to the estate, not respecting the managing, repairing,



setting, or letting thereof, and any proposal or inquiry whatsoever relating to the person, and to report thereon respectively, if and when they shall be of opinion that if application were made to the Lord Chancellor intrusted as aforesaid, concerning the matter of any such proposal or inquiry, a reference thereon would be made to the Masters.

71. Where the Masters, without an order of reference, receive any proposal, or proceed in any inquiry relating to the estate, not respecting the managing, repairing, setting, or letting thereof, or any proposal or inquiry whatsoever respecting the person, any person attending before them shall be at liberty to apply by petition to the Lord Chancellor intrusted as aforesaid, as he may be advised; and thereupon the Masters shall, pending the application, cease from proceeding on the proposal or in the inquiry, unless the Lord Chancellor intrusted as aforesaid otherwise direct.

72. Where the Masters, without an order of reference, receive and proceed on a proposal or conduct an inquiry, but arrive at the opinion that the proposal ought not to be adopted and carried into effect, or that the inquiry was unnecessary, they shall be at liberty to certify whether or not, regard being had to the circumstances, the proposal or inquiry was proper to be made; and if they certify in the affirmative, usual and proper costs of the proposal or inquiry and proceedings thereon shall be allowed, on taxation, by virtue of their certificate, but if they certify in the negative, the Lord Chancellor intrusted as aforesaid shall direct by whom and in what manner the costs shall be paid and borne.

73. Where any person requires that the Masters should report on a proposal which they have received and proceeded on without an order of reference, notwithstanding their opinion that it should not be adopted and carried into effect, the Masters shall report on the proposal, and the report shall be brought before the Lord Chancellor intrusted as aforesaid by petition, who shall make such order upon the report and respecting the costs as to him shall under the circumstances seem just.

74. Where an application is made by petition to the Lord Chancellor intrusted as aforesaid, either concerning a matter which might have been brought before the Masters in the first instance, or in consequence of the Masters receiving any proposal or proceeding in any inquiry relating to the estate or the person, the Lord Chancellor intrusted as aforesaid may make such order respecting the costs of the application and of the consequent proceedings as to him shall under the circumstances seem just.

75. Subject to the provisions hereinafter contained, the Masters shall, as soon as may be after the return of the inquiry, and may afterwards from time to time as they may think it expedient, inquire and certify who are the next of kin, and, subject to the provisions hereinafter contained, due notice of attending on the proceedings in the matter shall be given to the persons for the time being found to be the next of kin.

76. Where the Lord Chancellor intrusted as aforesaid, by virtue of the power hereinbefore given, exempts the property of a lunatic from payment of fees and per-centage, the Masters shall not during the continuance of the exemption inquire respecting his next of kin, without special order.

77. The Lord Chancellor intrusted as aforesaid may in any case by order defer an inquiry respecting next of kin, or direct that the inquiry shall be carried on to such limited extent only, and under such restrictions and provisions, and in such manner, as he may under the circumstances of the case think expedient, and may, where he deems it just and expedient, order that persons alleging themselves to be next of kin be left to make out their claim at their own expense, and may in any case, if from the smallness of the property of the lunatic (although it be not such as to entitle it to exemption from payment of fees and per-centage) he think it safe and just, by order wholly dispense with the inquiry.

78. Where the Masters are of opinion that by reason of the smallness of the property of a lunatic, or for any other reason, an inquiry or a subsequent inquiry (as the case may be) respecting next of kin should be dispensed with or deferred, or be carried on to a limited extent only, they shall report accordingly.

79. Where the Masters, in conducting an inquiry respecting next of kin, without any special direction of the Lord Chancellor intrusted as aforesaid concerning the mode of conducting the same, are of opinion that the circumstances of the

case render it expedient and safe that strict proof of pedigree should not be gone into, they may dispense with the same to such extent and in such manner as may to them seem expedient, and may require and receive such evidence as may appear to them sufficient and satisfactory respecting the family and the next of kin, and shall certify the mode in which they have conducted the inquiry.

80. The Lord Chancellor intrusted as aforesaid may, by order, dispense with and disallow the attendance on the proceedings in the matter of all or some of the next of kin, either wholly, or except at their own expense, or except upon special leave first obtained, as he shall under the circumstances think expedient; and such notice only of attending on the proceedings shall be given as shall be conformable with the order of the Lord Chancellor intrusted as aforesaid.

81. Subject to the provisions hereinbefore contained, the Masters shall once in the matter of each lunatic, and may afterwards from time to time, as they think it expedient, determine whether any one or more, and if any, how many and which, of the next of kin is or are to attend on the proceedings or on any particular proceeding before them in the matter, (but exclusively, as at present, of the heir-at-law, with respect to notice of or attendance on the committee of the estate), and the person or persons alone (if any) to whom the Masters have given liberty to attend shall be entitled to notice of or shall be allowed to attend, at the cost of the estate, on any proceeding or on such particular proceeding as aforesaid, (as the case may be), before the Masters, except upon their special leave first obtained; and the same person or persons alone (if any) to whom the Masters have given liberty to attend on the proceedings before them in the matter generally shall be entitled to notice of or shall be allowed to attend, at the cost of the estate, on any proceeding before the Lord Chancellor intrusted as aforesaid, except upon his special leave first obtained, and for that purpose the Masters shall from time to time, as occasion may require, certify who is or are the person or persons (if any) to whom they have given liberty to attend on the proceedings before them in the matter generally.

82. Where an infant, being one of the next of kin, and being at liberty to attend on the proceedings, has no guardian, the Masters may from time to time, by certificate, appoint a fit person to be his guardian for the purposes of the lunacy, who shall thereupon, for the purposes of the lunacy only, and not further or otherwise, have all the same powers, authorities, and discretion as if he had been duly constituted guardian by the Court of Chancery; and the Masters may from time to time, by certificate, revoke any such appointment, and appoint another fit person to be the guardian, *toties quoties*.

83. The Masters may, where it seems expedient, consolidate or carry on together similar proceedings before them in the matters of several persons being members of the same family, and may in that case, and also where it does not seem expedient that the proceedings should be consolidated or carried on together, use in the matter of one member of a family evidence filed or taken in the matter of another member or other members of the same family, when and so far as it may be applicable.

84. The Masters may, on being satisfied of a lunatic's death, without order, open and read any paper writing deposited with them, and purporting or alleged to be his will, for the purpose of ascertaining who is therein nominated executor thereof, and also whether or not there is any and what direction therein contained concerning his funeral or place of interment, and then deliver the same to the Registrar or other proper officer of the Prerogative or other proper Ecclesiastical Court, to the intent that the same may be exhibited in the usual course, and dealt with according to law, and shall certify the death and the opening and delivering out of the paper writing accordingly.

85. The Masters shall be at liberty, without order of reference, to inquire and report whether or not any person residing out of England and Wales, and where, has been declared idiot, lunatic, or of unsound mind, and whether or not his personal estate, or some and what part thereof, has been vested in a curator or other and what person appointed for the management thereof, according to the laws of the place where the person is residing, and whether or not any and what stock, portion of the capital stock, or share of any and what company or society, is standing in the name of or is vested in that person, and what is his interest therein.

86. Subject to the provisions of this act, and to the general orders in lunacy for the time being in force, and to any order of the Lord Chancellor intrusted as aforesaid, the Masters may, if they think fit, dispense with any summons ordinarily taken out in the course of the proceedings before them, and direct and require any party attending before them to take out a summons for a particular purpose or within a particular time, and fix the time at which any particular summons shall be returnable before them, or at or within which any proceeding necessary or proper to be taken before them shall be taken, and may proceed *de die in diem* or adjourn the proceedings before them, as they may see fit.

87. The Masters shall from time to time inquire into the circumstances of any delay in the conduct of proceedings before them, or in proceeding upon their reports, certificates, or decisions, and for that purpose may call before them all parties concerned, and may report accordingly, where it seems expedient.

88. The Masters may by certificate disallow, wholly or in part, the costs of any proceeding or document taken or used, or proposed to be taken or used, before them; and the costs of the attendance of counsel before them shall not be allowed on taxation, unless they certify that such attendance was proper, and for the security or advantage of the lunatic or his estate.

89. The affidavits, petitions, and other documents brought into the offices of the Masters or Registrar shall not contain unnecessary recitals or statements of proceedings or documents previously taken or used in the matter; and the Taxing Masters shall look into all such affidavits, petitions, and other documents as aforesaid, and deal in such manner as to them seems just with the costs of any affidavit, petition, or other document appearing to them to be unnecessary or improper, in the whole or in part, or of unnecessary length.

90. The Masters shall be at liberty to report specially to the Lord Chancellor intrusted as aforesaid any decision at which they may arrive, or any other matter relating to any inquiry or proposal pending before or under consideration by them, in order to obtain a decision or direction by or from him for their guidance in the further prosecution of the inquiry or consideration of the proposal.

91. The Masters' reports shall be divided into paragraphs, numbered consecutively, and respectively confined, as nearly as may be, to distinct portions of the subject-matter, and with such appropriate headings prefixed to all or any of the paragraphs as may be convenient.

92. The reports of the Masters, whether confirmed by fiat or not, under the provisions hereinafter contained, and their certificates, and all other reports and certificates made in matters in lunacy, (except the reports of the visitors hereinafter provided for), shall be left by the Masters, Taxing Masters, and other officers making the same respectively, with the Registrar in Lunacy, by whom the same shall be filed, and it shall not be necessary that they, or any of them, should be filed elsewhere; and the Accountant-General of the Court of Chancery, and all other persons, and the Governor and Company of the Bank of England, shall, as occasion may require, set upon or in relation to any report, and the fiat thereon, (if any), or any certificate so filed, in like manner as if the report or certificate had been filed also in the Report-office of the Court of Chancery, according to the practice formerly used.

93. Any person objecting to a draft report of the Masters, and desiring to prosecute the objection, shall bring in before the Masters a statement of objections in writing, and thereupon the Masters shall be at liberty to review the draft objected to; and after review, or the refusal of the Masters to review, the person objecting may bring in before the Masters a notice in writing, stating that he insists on the objections, or any one or more of them; and all the objections not so insisted on shall be considered as abandoned.

94. No person shall, except upon special leave of the Lord Chancellor intrusted as aforesaid first obtained, present a petition against the confirmation of a report, but in every case, on the hearing of the petition for confirmation of the report, any objections insisted on as aforesaid may be brought forward in opposition to the confirmation of the report, without any exceptions or cross petition.

95. Where no statement of objections is brought in, or all

the objections contained in a statement brought in are abandoned, the report shall be submitted to the Lord Chancellor intrusted as aforesaid for confirmation, without petition, and without the attendance of parties, except where, from the special nature or circumstances of the case, the Masters are of opinion that the report ought to be brought before the Lord Chancellor intrusted as aforesaid by petition, and by indorsement on the report under their hands shall so direct accordingly.

96. Where a report is to be submitted for confirmation without petition, it shall contain the directions consequential on the confirmation thereof, and the fiat of the Lord Chancellor intrusted as aforesaid on the report shall give it the operation of an order of the Lord Chancellor intrusted as aforesaid made upon petition, subject to such other directions and provisions (if any) as the Lord Chancellor intrusted as aforesaid may think fit.

97. The reports of the Masters shall be brought before the Lord Chancellor intrusted as aforesaid for confirmation, by petition, in each of the cases following:—

1. Where the Lord Chancellor intrusted as aforesaid, on referring a matter to the Masters to inquire and report, so directs;
2. Where a statement of objections is brought in, and all the objections are not abandoned;
3. Where the Masters, having regard to the special nature or circumstances of the case, as hereinbefore provided, so direct;
4. Where no order is made on the report being submitted for confirmation without petition;

And in such other cases as are herein mentioned, and as the Lord Chancellor, with the advice and assistance aforesaid, shall from time to time by general order direct.

And with respect to orders in lunacy, be it further enacted as follows:—

98. Every petition shall be filed before an order thereon shall be passed, and the order shall not recite any part of the statements contained in the petition, and only such part (if any) of the prayer as may be necessary; and an order shall not state any part of a report, except the Masters' conclusion or opinion, or so much thereof as may be necessary; and the Lord Chancellor, with the advice and assistance aforesaid, may and shall from time to time make such general orders as to him shall seem meet for embodying (as far as may be) such provisions and directions as are now commonly or frequently inserted in orders, and are not provided for by this act, and for dispensing (as far as may be) with the formal parts of orders as now drawn up.

99. Every order of the Lord Chancellor intrusted as aforesaid, in a matter in lunacy, shall be communicated by the Registrar to the Masters, whether any matter is thereby referred to them or not.

100. Every order made in a matter in lunacy by the Lord Chancellor intrusted as aforesaid, when drawn up by the Registrar in Lunacy, and signed by the Lord Chancellor intrusted as aforesaid, shall be entered by the Registrar in Lunacy in a proper book to be provided by him for that purpose, and he shall furnish office copies of any order or of any report, confirmed by fiat, or of any part thereof respectively, signed by him, and sealed or stamped with the seal of his office, to every party in the matter, or other person entitled thereto, who shall require the same; and every office copy of the whole of an order or report confirmed as aforesaid, purporting to be so signed and sealed, or stamped with such seal, shall at all times, and on behalf of all persons, and whether for the purposes of this act or otherwise, be admitted as evidence of the order or report confirmed as aforesaid, of which it purports to be a copy, without any further proof thereof.

101. Where an order or a report confirmed by fiat relates to the payment, transfer, carrying over, or depositing of any cash, stocks, funds, annuities, securities, or other effects, to or into the name of or in the custody of the Accountant-General of the Court of Chancery, to the credit of the matter of a lunatic, or to the payment, transfer, or carrying over or other disposal by the said Accountant-General of any cash, stocks, funds, annuities, securities, or other effects standing in his name or deposited in his custody to the credit of the matter of a lunatic, or of any cash, stocks, funds, annuities, securities, or other effects to or in which a lunatic is entitled or bene-

specially interested, and which are not standing in trust in a cause or matter depending in the Court of Chancery, the said Accountant-General, and all other persons, and the Governor and Company of the Bank of England, shall act upon the order signed by the Lord Chancellor intrusted as aforesaid, after the same has been entered as hereinbefore provided, or upon an office copy of the report confirmed by fiat, and thence receiving the operation of an order after the same has been filed as hereinbefore provided, in the same manner as if an order had been drawn up by the Registrar of the Court of Chancery, and passed and entered in the Court of Chancery according to the practice formerly used; and the Registrar in Lunacy in case of an order, and the Masters in case of a report confirmed by fiat, shall certify under their hands respectively to the said Accountant-General what stocks, funds, annuities, securities, or other effects are, by virtue of any such order or report confirmed as aforesaid, (as the case may be), to be sold, transferred, or delivered out, in the same manner as the Registrars of the Court of Chancery were formerly accustomed to do.

102. If any person shall forge the signature of the Registrar in Lunacy, or shall forge or counterfeit the seal of his office, or knowingly concur in using any such forged or counterfeited signature or seal, or shall tender in evidence any document with a false or counterfeit signature of such Registrar, or with a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under an act of the session of Parliament holden in the 8 & 9 Vict. c. 113.

103. The foregoing provisions, "with respect to certain of the proceedings after inquisition," and "with respect to orders," shall be applicable and applied, as far as may be, to the proceedings in the matters of lunatics under the protection of the Lord Chancellor intrusted as aforesaid, by virtue of proceedings taken under the act of the session of Parliament holden in the 8 & 9 Vict. c. 100, s. 95.

And with respect to the visiting of lunatics, be it further enacted as follows:—

104. Each lunatic shall be personally visited and seen by one at the least of the visitors, according to the provisions of the next following section, once at the least in each year, or oftener, and at such times as the Lord Chancellor intrusted as aforesaid may direct, or, in the absence of his directions, as the Board of Visitors may think expedient.

105. The medical visitors shall continue to visit lunatics as at present, and the legal visitors to be appointed after the commencement of this act shall also respectively visit lunatics; and the visits of the several visitors shall be from time to time regulated as the Lord Chancellor intrusted as aforesaid may direct, or, in the absence of his directions, as the Board of Visitors may deem necessary or advisable, in such manner that, as far as circumstances will admit, every lunatic may from time to time and in due succession be visited by the legal visitor, either alone or in company with one of the medical visitors.

106. The visitors shall respectively, within a convenient time after each visit, make a report in writing to the Lord Chancellor intrusted as aforesaid of the state of mind and bodily health, and of the general condition, and also of the care and treatment of each person visited and seen by them respectively, which reports shall, annually or oftener, as the Lord Chancellor intrusted as aforesaid may direct, or the Board of Visitors may think expedient, be submitted to the Lord Chancellor intrusted as aforesaid; and the visitors respectively shall make separate or special reports on any case to the Lord Chancellor intrusted as aforesaid, as and when they or the Board of Visitors may think expedient, and in particular shall report to him, without delay, any instance in which they respectively, on proceeding to visit, have been unable to discover the then residence of, or have been by any other circumstance prevented from actually seeing on that occasion, the lunatic whom they intended to visit.

107. The reports of the visitors shall be filed and kept secret in their office, and shall be open to the inspection of no person, save the members of the Board of Visitors, their secretary and his clerk, and the Lord Chancellor intrusted as aforesaid, and such persons as he may specially appoint; and all the reports relating to any particular patient shall be destroyed on the death of the patient, and shall also be destroyed on the inqui-

sition in his case being superseded, or being vacated and discharged on a traverse, unless the Lord Chancellor intrusted as aforesaid, within fourteen days after the supersedeas, or the vacating and discharge on a traverse, specially order that the same be not destroyed until the death.

And with respect to the management and administration of the estates of lunatics, be it further enacted as follows:—

108. Where a lunatic is entitled to be admitted tenant of copyhold land, the committee of his estate may appear at one of the three next courts holden for the manor, (for the holding whereof the usual notice shall be given), and there offer himself to be admitted tenant in the name and on behalf of the lunatic; and in default of his appearance, or of his acceptance of admittance, the lord or his steward may, after three courts duly holden, and proclamations thereat regularly made, at any subsequent court appoint any fit person to be attorney for the lunatic for that purpose only, and by that attorney admit the lunatic tenant of the land, according to such estate as the lunatic shall be legally entitled to therein.

109. The lord or his steward may upon the admittance impose such fine as might have been legally imposed if the lunatic had been of sound mind, which fine may be demanded by the lord's bailiff or agent, by a note in writing signed by the lord or his steward, to be left with the committee of the estate, or with the tenant or occupier of the land.

110. If the fine be not paid or tendered to the lord or his steward within three months after demand, then the lord may enter upon and hold the land, and receive the rents and profits thereof, (but without liberty to fell any timber standing thereon), until he be thereby fully paid the fine, with his reasonable costs and charges of raising the same, and of obtaining the possession of the land, although the lunatic die before the fine and costs and charges have been raised; of which rents and profits received by the lord, his steward, bailiff, or servant, the lord shall yearly, on demand by the person entitled to the surplus thereof, after payment of the fine and costs and charges, or by the person then entitled to the land, render a just and true account, and shall pay the same surplus, if any, to the person entitled thereto; and as soon as the fine and costs and charges have been fully paid, or if, after the lord's entry, the fine and costs and charges be lawfully tendered to him, then the lunatic, by the committee of his estate or other the person entitled, may enter upon and hold the land, according to his estate or interest therein; and the lord shall deliver possession thereof accordingly, and if he refuse so to do, he shall make satisfaction to the person kept out of possession for all the damages which he shall thereby sustain, and all his costs and charges of recovering possession.

111. If the committee pay the fine and costs and charges, then he, his executors and administrators, may enter upon and hold the land, and receive the rents and profits thereof to his and their own use, until he and they be thereby fully paid the amount disbursed upon that account, although the lunatic die before his and their reimbursement.

112. If the fine imposed be not warranted by the custom of the manor, or be unlawful, the lunatic may controvert its legality, as if this act had not been made; and no lunatic shall forfeit any land for his neglect or refusal to appear at any court, or to be admitted thereto, or to pay the fine imposed upon his admittance.

113. Where a lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death, or otherwise, the committee of his estate may, in his name and on his behalf, under an order of the Lord Chancellor intrusted as aforesaid, by deed surrender the lease, and in the name and on behalf and for the benefit of the lunatic accept a new lease of the premises comprised in the lease surrendered, for such number of lives, or for such term of years, either absolute or determinable as aforesaid, as was mentioned or contained in the lease surrendered at the making thereof, or otherwise as the Lord Chancellor intrusted as aforesaid shall order.

114. Every sum of money and other consideration paid by a committee or other person, in the nature of or as a fine, premium, or income upon renewal, and all reasonable charges incident thereto, may be paid out of the lunatic's estate, or may, with interest, be a charge upon the leasehold premises, as the Lord Chancellor intrusted as aforesaid shall order.

115. Every lease renewed shall operate and be to the same

uses, and be liable to the same trusts, charges, incumbrances, dispositions, devises, and conditions, as the lease surrendered was subject to, or would have been subject to if the surrender had not been made.

116. Where it appears to the Lord Chancellor intrusted as aforesaid to be just and reasonable, or for the lunatic's benefit, he may order that any estate or interest of the lunatic in land or stock, either in possession, reversion, remainder, contingency, or expectancy, be sold, or charged by way of mortgage, or otherwise disposed of as may to him seem most expedient, for the purpose of raising money to be applied, and may accordingly order that the money when raised be applied, for or towards all or any of the purposes following:—

1. The payment of the lunatic's debts or engagements;
2. The discharge of any incumbrance on his estates;
3. The payment of any debt or expenditure incurred or made after requisition, or authorised by the Lord Chancellor intrusted as aforesaid to be incurred or made for the lunatic's maintenance, or otherwise for his benefit;
4. The payment of or provision for the expenses of his future maintenance;
5. The payment of the costs of applying for, obtaining, and executing the inquiry, and of opposing the same;
6. The payment of the costs of any proceeding under or consequent on the requisition, or incurred under order of the Lord Chancellor intrusted as aforesaid; and,
7. The payment of the costs of any such sale, mortgage, charge, or other disposition as is hereby authorised to be made:

And the committee of the estate may and shall, in the name and on behalf of the lunatic, execute, make, and do all such conveyances, deeds, transfers, and things relative to any such sale, mortgage, charge, or other disposition as aforesaid, and for effectuating this present provision, as the Lord Chancellor intrusted as aforesaid shall order.

117. In case of a charge or mortgage being made under this act upon an interest in contingency, or in reversion, remainder, or expectancy, for the expenses of future maintenance, the Lord Chancellor intrusted as aforesaid may direct the same to be payable and paid, either contingently, if the interest charged be a contingent one, or upon the happening of the event, if the interest be depending on an event which must happen, and either in a gross sum or in annual or other periodical sums, and at such times, in such manner, and either with or without interest, as he shall deem expedient; and any charge already made, which would have been valid if made after this act, shall be and is hereby declared to be valid.

118. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the lunatic's benefit, he may order that the whole or any part of any monies expended or to be expended under his order, for the permanent improvement, security, or advantage of the land of the lunatic, or of any particular part thereof, shall, with interest, be a charge upon and be raiseable out of the lunatic's estate and interest in the land or such particular part thereof as aforesaid, but so that no right of sale or foreclosure during the lifetime of the lunatic be given or acquired under or by virtue of the charge; and the interest shall be kept down, during the lunatic's lifetime, out of the income of his general estate, as far as the same shall be sufficient to bear it; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order; and such charge may be made either to some person advancing the money, or, if the money is paid out of the lunatic's general property, to some person as a trustee for him, as part of his personal estate.

119. On any monies being raised by sale, mortgage, charge, or other disposition of land made in pursuance of any of the foregoing provisions, the person whose estate is sold, mortgaged, charged, or otherwise disposed of, and his heirs, next of kin, devisees, legatees, executors, administrators, and assigns, shall have such and the like interest in the surplus monies remaining after the purposes for which the monies have been raised shall have been answered as he or they would have had in the estate if no sale, mortgage, charge, or other disposition thereof had been made, and the surplus monies shall be of the same nature and character as the estate sold, mortgaged, charged, or otherwise disposed of; and the Lord Chancellor

intrusted as aforesaid may make such orders, and direct such conveyances, deeds, and things to be executed and done, (which may and shall accordingly be executed and done), as may be necessary for the effectuating this present provision, and for the due application of the surplus monies.

120. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net amount or net estimated value of the property of a lunatic does not exceed the sum of 500*l.* sterling, and it appears to him, having regard to the situation and condition in life of the lunatic and his family, and the other circumstances of the case, to be expedient that the amount or value of his property should be made available for his maintenance in a direct and inexpensive manner, and that the same can be safely and properly done, he may, instead of proceeding to order a grant of the custody of the estate, order or allow that the amount of the property, if in money or stock, or if of any other description the produce thereof when realised, be paid or transferred to such relative of the lunatic, or such other person as he may think proper to intrust with the application thereof, to be by him applied in or towards the maintenance of the lunatic, either at his discretion, or in such manner and subject to such control as the Lord Chancellor intrusted as aforesaid may direct; and for the purpose of giving effect to any such order, the Lord Chancellor intrusted as aforesaid may order any small real estate or other property of the lunatic to be sold, and a valid conveyance or transfer thereof to be executed or made by such person as he shall direct.

(To be continued).

### London Gazette.

FRIDAY, SEPTEMBER 16.

#### BANKRUPTS.

JOHN WINTER, Sandhurst, Kent, builder, trader, brick-maker, dealer and chapman, Sept. 28 at 11, and Oct. 26 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Messrs. Linklater, 17, Sise-lane, City.—Petition filed Sept. 13.

ROBERT SORTON PARRY, Leadenhall-street, London, bookseller, publisher, and stationer, dealer and chapman, Sept. 28 and Nov. 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Starling, 7, Sackville-st., Piccadilly.—Petition dated Sept. 8.

CHARLES JOHN KELSON, Clifton, and Park-row, Bristol, apothecary, dealer and chapman, Sept. 27 and Oct. 21 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Wallis, Bristol.—Petition filed Aug. 31.

JOSEPH BARNABAS HIGNETT, Liverpool, salt and commission agent, Sept. 28 and Oct. 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Stockley & Thompson, Liverpool.—Petition filed Sept. 12.

MICHAEL WOOD and JOHN WILDING, Openshaw, Lancashire, boiler makers, (trading under the firm of Wood & Wilding), Oct. 7 and Nov. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Slater, Manchester.—Petition filed Sept. 12.

JOHN COMBES, Manchester, ironmonger, Sept. 28 and Oct. 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Slater, Manchester.—Petition filed Sept. 5.

WILLIAM PIMLOTT, Manchester, bread baker and flour dealer, Sept. 28 and Oct. 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sol. Sutton, Manchester.—Petition filed Sept. 13.

HENRY HUNT, Heaton Norris, Lancashire, paper manufacturer and wool carder, (carrying on business at Glossop, Derbyshire, under the firms of the Turnlee Mills Company, and Joseph Bennett & Co., and at Manchester under the name of Henry Hunt), Sept. 27 and Oct. 18 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Coppock & Oldham, Stockport.—Petition filed Sept. 8.

#### MEETINGS.

Francis Rave and Geo. Wm. Mortimer, Bury, Lancashire, silk dyers, Oct. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—Alexander Jacobs, Moorgate-st., London, and Torquay, Devonshire, builder, Oct. 5 at 11, Court of

Bankruptcy, London, and. ac.—*W. Gambling*, Southampton, builder, Oct. 5 at 1, Court of Bankruptcy, London, and. ac.—*Wm. Colman*, Chesterford, Essex, horse dealer, Oct. 13 at 1, Court of Bankruptcy, London, and. ac. and div.—*William Hutchison*, Riches-street, Lime-street, London, shipbroker, Oct. 6 at 11, Court of Bankruptcy, London, and. ac.—*Henry Crowther*, Titchbourne-street, Edgeware-road, Middlesex, cabinet maker, Sept. 30 at half-past 12, Court of Bankruptcy, London, and. ac.—*Francis Langan*, Chapel-place, Oxford-street, Middlesex, wine merchant, Oct. 1 at 12, Court of Bankruptcy, London, and. ac.—*Wm. Wood*, Grand Junction-terrace, Edgeware-road, Paddington, Middlesex, stationer, Sept. 30 at 1, Court of Bankruptcy, London, and. ac.—*T. K. Clay*, Ironmonger-lane, London, woollen warehouseman, Oct. 1 at half-past 2, Court of Bankruptcy, London, and. ac.—*John Bloomfield*, Saxted, Suffolk, licensed victualler, Oct. 1 at 2, Court of Bankruptcy, London, and. ac.—*Donald Macfie*, Edgeware-road, Middlesex, draper, Sept. 30 at 1, Court of Bankruptcy, London, and. ac.—*R. Williams*, New Brentford, Middlesex, shoemaker, Sept. 30 at half-past 1, Court of Bankruptcy, London, and. ac.—*Henry Feas*, Suffolk-place, Commercial-road East, Middlesex, cheesemonger, Sept. 30 at half-past 12, Court of Bankruptcy, London, and. ac.—*J. Jukes*, West Bromwich, Staffordshire, nail manufacturer, and Rowley Regis, Shropshire, coal master, Sept. 29 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*William Bradshaw*, Birmingham, victualler, Sept. 27 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Oct. 11 at 12, div.—*W. Haden Richardson*, *Benjamin Richardson*, and *Jonathan Richardson*, Wordeale, Staffordshire, and Lamb's Conduit-street, Middlesex, glass manufacturers, Oct. 4 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. Artingstall*, Pendleton, Lancashire, joiner, Oct. 4 at 12, District Court of Bankruptcy, Manchester, and. ac.; Oct. 11 at 12, div.—*Wm. Marshall*, South Shields, Durham, shipowner, Oct. 14 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Thomas Young*, Sunderland, Durham, shipowner, Oct. 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Andrew Fraser*, Newcastle-upon-Tyne, corn merchant, Oct. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Daniel Dunglinson*, Newcastle-upon-Tyne, licensed victualler, Oct. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*John Todd*, Newcastle-upon-Tyne, distiller, Oct. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Henry Cowie*, Liverpool, shipowner, Sept. 29 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Isaac L. Mocatta*, Liverpool, commission merchant, Sept. 29 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Thomas Casson*, Liverpool, coachbuilder, Sept. 29 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Thomas Syers*, Liverpool, tailor, Sept. 29 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Robert M'Burnie*, Wetherby, Yorkshire, grocer, Sept. 29 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Wm. Barker*, Wakefield, Yorkshire, railway contractor, Sept. 29 at 11, District Court of Bankruptcy, Leeds, and. ac.—*J. Wheeler*, Scarborough, Yorkshire, wine merchant, Sept. 29 at 11, District Court of Bankruptcy, Leeds, and. ac.—*George Scott*, Brotherton, Yorkshire, miller, Sept. 29 at 11, District Court of Bankruptcy, Leeds, and. ac.—*John Ireland*, Kingston-upon-Hull, draper, Nov. 9 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac. and div.—*Frederick Sulton*, Kingston-upon-Hull, furnishing ironmonger, Nov. 16 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac. and div.—*Thomas Holland*, Lingham, near Godalming, Surrey, manufacturer, Oct. 13 at half-past 12, Court of Bankruptcy, London, div.—*K. Down*, Taunton, Somersetshire, and Torpoint, Devonshire, grocer, Oct. 8 at half-past 1, Court of Bankruptcy, London, div.—*J. Voller*, Landport, Portsea, Southampton, builder, Oct. 8 at 12, Court of Bankruptcy, London, div.—*James W. Havers*, Judd-street, Brunswick-square, Middlesex, draper, Oct. 8 at half-past 1, Court of Bankruptcy, London, div.—*Edw. Wilkinson* and *Thomas Bentley*, Liverpool, tailors, Oct. 10 at 11, District Court of Bankruptcy, Liverpool, div.—*J. Ellison*, Liverpool, ironmonger, Oct. 10 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Wm. Morton*, Belgrave-place, Pimlico, Middlesex, bill dis-

counter, Oct. 8 at 12, Court of Bankruptcy, London.—*Thos. Kent Clay*, Ironmonger-lane, London, woollen warehouseman, Oct. 8 at 1, Court of Bankruptcy, London.—*Henry Ross*, Bruton, Somersetshire, carpenter, Oct. 10 at 11, District Court of Bankruptcy, Bristol.—*Daniel Dunglinson*, Newcastle-upon-Tyne, licensed victualler, Oct. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*William Marshall*, South Shields, Durham, shipowner, Oct. 14 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Richard Pike*, East Stonehouse, Devonshire, butcher, Oct. 10 at half-past 10, District Court of Bankruptcy, Plymouth.—*Wm. Conway*, Plymouth, Devonshire, builder, Oct. 10 at half-past 10, District Court of Bankruptcy, Plymouth.—*Charles Clave*, Howarth Cross Mill, near Rochdale, Lancashire, press dyer, Oct. 10 at 12, District Court of Bankruptcy, Manchester.—*Thomas Cartwright Davenport*, Birkenhead, Cheshire, coal merchant, Oct. 10 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Piggins* and *Fred. Piggins*, Wolverhampton, Staffordshire, shoe manufacturers, Oct. 10 at 10, District Court of Bankruptcy, Birmingham.—*John Ireland*, Kingston-upon-Hull, draper, Nov. 9 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*Edw. T. Blakely*, Norwich, shawl manufacturer.—*Richard Penistan*, Haverton-row, Walworth, Surrey, draper.—*Wm. John Powell* and *Charles Hind*, Carnaby-street, Golden-sq., Middlesex, linendrapers.—*Henry Edwards*, Brighton, Sussex, builder.—*Wm. Northwood*, Wigmore-street, Cavendish-square, Middlesex, upholsterer.—*Henry M. Morgan*, Reading, Berkshire, shipowner.—*Kelland Down*, Taunton, Somersetshire, and Torpoint, Devonshire, grocer.—*Thomas Ballard*, Southwick-place, Paddington, Middlesex, apothecary.—*E. Jones*, Strand, Middlesex, woollendrapery.—*Joseph Osborne*, Leigh, Essex, butcher.—*Ephraim Harris*, Merthyr Tydvil, Glamorganshire, pawnbroker.—*John Grimes Upward*, Lyme Regis, Dorsetshire, draper.—*Thomas N. Ashman*, Yeovil, Somersetshire, carrier.—*George Handson Julian*, Exeter, coal dealer.—*Thomas Tapley*, Liverpool, builder.—*Frederick W. White*, Castleford, Yorkshire, linendrapery.

## SCOTCH SEQUESTRATION.

*A. Munro & Son*, Tain, drapers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Robert Drew*, Frimley, Surrey, bookseller, Oct. 5 at 11, County Court of Surrey, at Farnham.—*Wm. Cooper*, Smethwick, Staffordshire, miller, Sept. 28 at 9, County Court of Staffordshire, at Oldbury.—*Edward Field*, Halesowen, Worcestershire, labourer, Sept. 28 at 9, County Court of Staffordshire, at Oldbury.—*William Boughen*, Norwich, out of business, Sept. 29 at 10, County Court of Norfolk, at Norwich Castle.—*George Campling*, Norwich, grocer, Sept. 29 at 10, County Court of Norfolk, at Norwich Castle.—*George Curtis*, Norwich, plasterer, Sept. 29 at 10, County Court of Norfolk, at Norwich Castle.—*John Gerrard*, Liverpool, ironmonger, Sept. 23 at 10, County Court of Cheshire, at Birkenhead.—*George Wornes*, Bath, livery-stable keeper, Sept. 24 at 11, County Court of Somersetshire, at Bath.—*Joseph Barker*, St. Helen's, Lancashire, labourer, Sept. 28 at 12, County Court of Lancashire, at St. Helen's.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, Sept. 30.

*George Eley*, East Dereham, auctioneer.

At the County Court of Cardiganshire, at CARDIGAN, Oct. 5 at 10.

*George Finch*, Rhydyfych, out of business.

## INSOLVENT DEBTOR'S DIVIDEND.

*John Hyde*, Sheffield, Yorkshire, accountant, at Fiddy's, 3, Paper-buildings, Temple, London: 4s. 11½d. in the pound.

## MEETINGS.

*Thomas H. Adcock*, prisoner in Lancaster Castle, Sept. 30 at 11, at Curry & Statham's, Liverpool, sp. aff.—*John Hugh Ellis*, Cefnysgwydd, Anglesey, North Wales, gentleman, Oct. 4 at 12, at Nichols & Clark's, 9, Cook's-court, Lincoln's-inn, Middlesex, sp. aff.

TUESDAY, SEPTEMBER 20.

## BANKRUPTS.

MARY ANN THOMAS and WILLIAM THOMAS, Upper King-street, Bloomsbury, and Green-street, Theobald's-road, Middlesex, builders, (carrying on business under the firm of W. Thomas & Son), Oct. 5 and Nov. 4 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrence & Co., Old Jewry-chambers, London.—Petition filed Sept. 16.

ISAAC SHARMAN, Spalding, Lincolnshire, (but whose present place of abode, residence, or business is unknown), upholsterer, dealer and chapman, Oct. 5 at half-past 1, and Nov. 4 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Taylor, 15, South-street, Finsbury-square.—Petition filed Sept. 9.

JOSEPH OKELL, Union-court, Old Broad-street, London, merchant, (trading in partnership with Louis Cooke Hertzel, under the firm of Alexander Moberly & Co., and also carrying on business at Stettin, Prussia), Oct. 5 at half-past 11, and Nov. 4 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition filed Sept. 12.

WILLIAM MORRIS, Tunbridge, Kent, cabinet maker and builder, Sept. 28 at half-past 2, and Nov. 4 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Stenning & Carnell, Tunbridge, Kent; Stenning & Croft, 3, Basinghall-street, London.—Petition filed Sept. 10.

WALTER SCAMMELL, Old Brentford, Middlesex, (but whose present place of abode, residence, or business is unknown), boot and shoe maker, dealer and chapman, Oct. 4 at half-past 1, and Nov. 4 at half-past 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Tyas, Beaufort-buildings, Strand.—Petition filed Sept. 10.

HENRY KIRK, late of Portland-terrace, St. John's-wood, previously of St. James's-square, Middlesex, but now of the Queen's Prison, hay dealer, dealer and chapman, Sept. 29 and Nov. 8 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Nisbett, 3, Mitre-court-chambers, Temple.—Petition filed Sept. 7.

FRANCIS WILLIAM SOUTH, Maidstone, Kent, beer-seller, dealer and chapman, Oct. 1 and Nov. 12 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Case, Maidstone, Kent; Braikenridge & Sons, 16, Bartlett's-buildings, Holborn, London.—Petition dated Sept. 16.

WILLIAM WATSON, Aulley, Staffordshire, saddler and farmer, dealer and chapman, Oct. 5 at 12, and Oct. 27 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Cooper, Tunstall, Staffordshire; Hodgson, Birmingham.—Petition dated Sept. 13.

EDWARD BULLOCK WATTS, Yeovil, Somersetshire, land surveyor, auctioneer, dealer and chapman, Sept. 29 and Oct. 27 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter.—Petition dated Sept. 19.

ELIZABETH AGAR, York, grocer and tea dealer, dealer and chapwoman, Oct. 6 at 11, and Nov. 7 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Anderson & Son, York; Blackburn, Leeds.—Petition dated Sept. 9.

HENRY FAIRBANK, Richmond, Yorkshire, jeweller, dealer and chapman, Oct. 6 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Arnold & Welch, Birmingham; Ward, Leeds.—Petition dated Sept. 5.

## MEETINGS.

James Blair, Uttoxeter, Staffordshire, money scrivener, Oct. 10 at 10, District Court of Bankruptcy, Birmingham, pr. d.—Henry Armstrong, Norwich, linendraper, Oct. 17 at 12, Court of Bankruptcy, London, last ex.—Samuel Salter, Rulton-bridge, Abbott's Langley, Hertfordshire, maltster, Oct. 1 at 12, Court of Bankruptcy, London, and ac.—Jules Artiques, Mark-lane, London, general merchant, Oct. 1 at 12, Court of Bankruptcy, London, and ac.—George Godsell, Wootton-under-Edge, Gloucestershire, tailor, Oct. 10 at 11, District Court of Bankruptcy, Bristol, and ac.; Oct. 13 at 11, div.—Patrick Hayes, Widnes, Lancashire, oil manufacturer, Oct. 11 at 11, District Court of Bankruptcy, Liverpool, div.—John Power and John Wallace, Liverpool, merchants, Oct. 13 at 11, District Court of Bankruptcy, Liverpool, div.

—Sydney Sherlock, Liverpool, wine merchant, Oct. 14 at 11, District Court of Bankruptcy, Liverpool, fin. div.—James M'Monies, Liverpool, corn merchant, Oct. 14 at 11, District Court of Bankruptcy, Liverpool, div.—Thos. Casson, Liverpool, coachbuilder, Oct. 13 at 11, District Court of Bankruptcy, Liverpool, div.—John Fleetwood, Liverpool, grocer, Oct. 13 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

Joseph Bates, Stevenage, Hertfordshire, builder, Oct. 11 at 12, Court of Bankruptcy, London.—Job Broadhurst, Longton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer, Nov. 16 at 11, District Court of Bankruptcy, Birmingham.—John Hammond, Birmingham, builder, Oct. 27 at 11, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

George Dumb, Wigmore-street, Cavendish-square, Middlesex, jeweller.—Wm. Scott, Percival-street, Clerkenwell, Middlesex, clockmaker.—Geo. H. Julian, Exeter, coal dealer.—James Gray, Wolverhampton, Staffordshire, carrier.

## SCOTCH SEQUESTRATIONS.

David J. Thomson, Summerville, Troqueer, Kirkcudbright-shire, farmer.—R. B. Neill & Co., Leith, merchants.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

John Pughs, Liverpool, bookseller, Sept. 26 at 10, County Court of Lancashire, at Liverpool.—John Turner, Rancorn, Cheshire, out of business, Sept. 26 at 10, County Court of Lancashire, at Liverpool.—Richard Maddock, Liverpool, builder, Sept. 26 at 10, County Court of Lancashire, at Liverpool.—Peter Williams Young, Blanaon, Llanover Upper, Monmouthshire, butcher, Oct. 8 at 10, County Court of Monmouthshire, at Abergavenny.—R. Morgan, Nantybroch, Duke's-town, Llangyned, Breconshire, mine cleaner, Oct. 7 at 12, County Court of Monmouthshire, at Tredegar.—Geo. H. France, Langsett, Penistone, Yorkshire, out of business, Oct. 7 at 12, County Court of Yorkshire, at Barnsley.—Peter Grocott, Shelton, near Stoke-upon-Trent, Staffordshire, shoemaker, Sept. 28 at 10, County Court of Staffordshire, at Hanley.—John Richards, Cwmoy, Monmouthshire, clerk, Oct. 8 at 10, County Court of Monmouthshire, at Abergavenny.—Wm. Allgood the younger, Moulton, near Northampton, Oct. 5 at 11, County Court of Northamptonshire, at Northampton.—Wm. Phillips, Llanon, Llanrha, Pembrokeshire, small farmer, Oct. 7 at 10, County Court of Pembrokeshire, at Haverfordwest.—Wm. Jacobs, Dorchester, Dorsetshire, hat manufacturer, Oct. 11 at 12, County Court of Dorsetshire, at Dorchester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, on follows, to be examined and dealt with according to the Statute:—*

*Nov. 19 at 11, before Mr. Commissioner PHILLIPS.*

Mary Ann Harriet Ward, widow, Upper Clapham-place, Clapham-road, Lambeth, Surrey, printer.—Martin Smith the elder, Acton-green, Acton, Middlesex, market gardener.—William Freeman, Sloane-square, Chelsea, Middlesex, house decorator.—William Stroud, Chapter-street, Westminster, Middlesex, butcher.—Wm. Gifford Harradine, Eldon-street, St. Leonard's, Shoreditch, Middlesex, cheesemonger.

*Nov. 23 at 11, before Mr. Commissioner MURPHY.*

George Lloyd Fountain, Northolt, Middlesex, butcher.—J. Betzen Gillies, Buckingham-place, Cleveland-st., Fitzroy-square, Middlesex, pianoforte small worker.—Wm. Busby, Romford, Essex, out of business.—Benj. Long, Cheshunt, Hertfordshire.—Geo. Taylor, Eversholt-st., Oakley-square, St. Pancras, Middlesex, hatter.—Alfred Willsher, Vassal-road, Brixton, Surrey, veterinary surgeon.—Obadiah Brook, West-square, Surrey, working engineer.—Wm. Chalk, Fore-street, Cripplegate, London, dealer in fancy goods.



Saturday, Sept. 17.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

John Holmes, Norwood-green, near Halifax, Yorkshire, farmer, No. 76,870 C.; Joseph Priestley, assignee.—J. Field, Edgerton, near Huddersfield, Yorkshire, timber dealer, No. 76,933 C.; Joseph Dennis, assignee.—Wm. Shackleton, Bradford, Yorkshire, whitesmith, No. 79,938 C.; J. Hodgson, assignee.—Isaac Peel, Bowling, near Bradford, Yorkshire, out of business, No. 76,960 C.; Thomas Clark and W. Dennison, assignees.

Saturday, Sept. 17.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

Edward Maynard, Middle-row, Old-st., St. Luke's, Middlesex, timber dealer: in the Debtors Prison for London and Middlesex.—E. Perdue, Lower John-st., Commercial-road East, Middlesex, asphalt manufacturer: in the Debtors Prison for London and Middlesex.—Geo. Baker the elder, Crown-court, Chancery-lane, City, meat salesman: in the Debtors Prison for London and Middlesex.—J. Thos. Hodson, High-st., Peckham, Surrey, tobacconist: in the Gaol of Surrey.—Walter Key Haslewood, Hill-road, St. John's-wood, Middlesex, captain in the Hon. East India Company's Service: in the Queen's Prison.—J. Stammers, Bow-st., Covent-garden, Middlesex, musical director: in the Debtors Prison for London and Middlesex.—Thomas Bromley, Great Barlow-street, Marylebone, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—Frederick Riminton, Buteland-st., Hoxton, Middlesex, messenger in the General Post-office: in the Debtors Prison for London and Middlesex.—Jarvis Wilks, Springfield-cottages, Goldsmith's-place, Kilburn, Middlesex, tool maker: in the Debtors Prison for London and Middlesex.—Charles Pennell Measor, Gilston-road, Brompton, Middlesex, boarding-house keeper: in the Debtors Prison for London and Middlesex.—Francis Fosbery, Queen's-terrace, Bayswater, Middlesex, retired captain in the Hon. East India Company's Service: in the Queen's Prison.—George W. Hesp, Godley-green, near Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—Wm. E. Duncan, Salford, Lancashire, architect: in the Gaol of Lancaster.—George Eley, East Dereham, Norfolk, auctioneer: in the Gaol of Norwich.—John Travers, Hulme, Manchester, builder: in the Gaol of Manchester.—Joseph Halstead, Boothfold, near Newchurch, Lancashire, blacksmith: in the Gaol of Lancaster.—W. E. Watkins, Chepstow, Monmouthshire, butcher: in the Gaol of Monmouth.—James Lewis, Gloucester, commission agent: in the Gaol of Gloucester.—James Hayes, Ince, near Wigan, Lancashire, grocer: in the Gaol of Lancaster.—John Wolstencroft, Middleton, near Manchester, grocer: in the Gaol of Lancaster.—J. Joyner, Burford, Oxfordshire, out of business: in the Gaol of Oxford.—John Eaton, Ashton-under-Lyne, Lancashire, earthenware dealer: in the Gaol of Lancaster.—Edward Thomas Lyon, Romford, Essex, schoolmaster: in the Gaol of Springfield.—John Boodle, Birmingham, carpenter: in the Gaol of Coventry.—Josiah Ballinger, Cheltenham, Gloucestershire, out of business: in the Gaol of Warwick.—A. Perkins, Erith Kent, sail maker: in the Gaol of Maidstone.—S. Pentecost, Clifton, Dartmouth Hardness, Devonshire, baker: in the Gaol of St. Thomas the Apostle.—Thos. Youngman, Lincoln: in the Gaol of Lincoln.—Thomas Earnshaw, Bramley, near Leeds, Yorkshire, publisher: in the Gaol of York.—George Cowper, York, out of business: in the Gaol of York.—Henry Bickerstaff, Manchester, scene painter: in the Gaol of Lancaster.—Samuel Lloyd, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—Joseph Latham, Preston, Lancashire, timber dealer: in the Gaol of Lancaster.—John Epton, Hulme, Manchester, plumber: in the Gaol of Lancaster.—James S. Johnson, Preston, Lancashire, professor of music: in the Gaol of Lancaster.—John Clark, Romford, Essex, licensed victualler: in the Gaol of Springfield.—M. Blake, Rylston, near Skipton, Yorkshire, out of business: in the Gaol of York.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Sussex, at LEWES, Oct. 4.

George Goord, Brighton, out of business.—James Russell the younger, Burwash Wheel, farmer.

At the County Court of Kent, at MAIDSTONE, Oct. 4 at 12.

Alfred Kortright, Gravesend, lieutenant in the Royal Navy on half-pay.—John Clayton, Sheerness, plumber.—Joseph Smallman, Strood, blacksmith.—Guy Fitz Henry L'Estrange, Woolwich, in no business.—A. Perkins, Erith, sail maker.—Edwin Hawkins, Cranbrook, plumber.

At the County Court of Northamptonshire, at NORTHAMPTON, Oct. 5.

Richard Welby, Peterborough, medical student.

At the County Court of Essex, at CHELMSFORD, Oct. 6 at 12.

John Clark, Romford, licensed victualler.—Edward Thos. Lyon, Romford, schoolmaster.

MEETING.

Thomas H. Adcock, Oct. 7 at 11, at Curry & Statham's, Liverpool, sp. aff.

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# The Jurist

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LONDON, OCTOBER 1, 1853.

THERE is in London a society having for its object the repeal of the law which forbids the marriage of a widower with his deceased wife's sister, and of a widow with the brother of her deceased husband. If that society confined its operations to exertions in favour of the repeal of the law we should not meddle with it. The subject is one rather of religion and policy than of law, and one on which men may very conscientiously differ.

On the religious part of the question, not only devout and well-instructed laymen, but learned ecclesiastics, do differ toto cœlo. So, on the question of policy, whether it is for the comfort and well-being of society that such marriages should be allowed, arguments of all kinds are used; statistical information is carefully collected, and carefully and earnestly diffused; and the result is, that many excellent people are as thoroughly convinced that the capacity to marry a deceased wife's sister is essential to the happiness of society, as others are that it is quite inimical to family happiness. In

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that state of opinion and things, though we hold ourselves as free to discuss the question as the society, or as anybody else, yet if this society had confined itself to advocating and assisting in the repeal of the law, we should not think it any part of our business to impugn the propriety of its proceedings. But when it proceeds, as it does, by periodical advertisements, to inform the public that such marriages are lawful at various places on the continent, and to follow up that statement by another, that Lord Stowell has laid it down that by the law of England a marriage lawfully celebrated abroad is recognised as lawful in England—the doctrine thus imputed to Lord Stowell being broadly and nakedly stated, without comment, qualification, or explanation—then we say that this society is doing infinite mischief, because it is, in ignorance we must hope, deluding the people of England into a belief that they may, by going abroad, contract a marriage which will be treated as lawful in England; whereas, if it is not quite certain that the law is the other way, there is at least such grave doubt whether such a marriage can in any mode whatever be rendered lawful in England, that no lawyer would at this day advise his clients to rely on its validity, wherever or however contracted.

The doctrine of Lord Stowell, and of every other judge who has ever sat since his time—a doctrine so well understood, that one would have thought it needed hardly to have been paraded in a public advertisement as if it were a discovery—is this, that although the law of England requires itself certain forms and ceremonials for the contraction of a valid marriage in England, yet, upon general principles of the convenience of mankind, it will treat as lawful in England a marriage contracted

abroad without those ceremonials, if the marriage has been contracted in the form recognised by the law of the foreign State. But Lord Stowell never said, nor has any other judge ever decided or said, that where the law of England imposes a *personal incapacity* for marriage on particular persons, or, in other words, makes a marriage in England impossible with any ceremonial, it will recognise as valid a marriage contracted between such persons in a country whose laws permit it; nor is it very likely, in our opinion at least, that any Court ever will so decide. The exception allowed by the law in favour of marriages celebrated under *forms insufficient* by the law of England, is founded upon reasonings not at all applicable to marriages between persons incapacitated by the law of England. In the former case, the forms or ceremonial—the requisite acts to be done to bind parties in marriage—are matters precautionary—executive, as it were; not matters affecting the principle on which marriages are authorised, but simply the due performance of a contract in itself not unlawful. Those are matters on which there may well be, and in fact are, so many different views of convenience taken by different States agreeing in their views of the lawfulness of the contract, that for a country trading in every other country under the sun, having its own children scattered all over the world, and its own cities and provinces filled with the children of other countries, it does not need argument to shew, that if the law did not make the exception that it does, the most grievously inconvenient consequences would follow. But in making the exception the law sacrifices no principle; it merely waives its own *forms* in favour of foreign *forms*, for the general convenience of mankind. But when the law of a country forbids altogether certain marriages—when it renders certain persons incapable of marrying—it does so upon some principle, religious or political. It may be wrong in its view of what is the right principle, but still the question is one of a principle; and it would be strange if the law of any country should on such a question allow itself to be overridden and nullified by the law of a foreign country.

Our own opinion, which we have expressed more than once in *THE JURIST*, is, that by no possible means, whether by marrying abroad or otherwise, can a marriage within the prohibited degrees referred to in the act of 1835 be made valid in England. But whether we are right in that or not, thus much is at least certain, that it has never yet been decided that such a marriage celebrated at Altona, or elsewhere where it is lawful, will be held lawful in England; that, looking at the language of the statute, he must indeed be a confident man who will give a clear opinion that it can be evaded by a foreign marriage; that Lord Stowell's doctrine applies to a totally different class of cases, and does not touch cases under Lord Lyndhurst's Act; and finally, that the assertion of such a doctrine in the way it is put forth by the society is calculated to mislead people into the notion, that by going abroad they may contract, with a *certain* of validity, marriages, the validity of which is, at least, open to the greatest possible doubt.

## PUBLIC GENERAL STATUTES.

16 &amp; 17 VICTORIA.—SESSION 1.

(Continued from p. 365).

121. Where it appears to the Lord Chancellor intrusted as aforesaid, upon a report of the Masters, that there is reason to believe that the unsoundness of mind of any lunatic so found by inquisition is in its nature temporary, and will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being in the nature of income or of ready money belonging to the lunatic, and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available and may be safely and properly applied in that behalf, the Lord Chancellor intrusted as aforesaid may allow thereout such amount as he may think proper for the temporary maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to order a grant of the custody of the estate, order or give liberty for the payment of any such sum of money as aforesaid, or any part thereof, to such person as he may, under the circumstances of the case, think proper to intrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received, to be applied, and the same shall accordingly be applied, in or towards such temporary maintenance as aforesaid; and the receipts in writing of the person named in the order to whom payment is to be made for any monies payable to him by virtue thereof shall effectually discharge the banker, agent, or other person paying the same from the monies therein respectively expressed to be received, and they respectively are hereby directed to act upon and obey every such order; and the person so receiving any monies by virtue of this present provision shall pass an account thereof before the Masters, when required.

122. Where a person, having contracted to sell, mortgage, let, divide, exchange, or otherwise dispose of any land, afterwards becomes lunatic, and the contract is not disputed, and is such as the Lord Chancellor intrusted as aforesaid thinks ought to be performed, or a specific performance of the contract, either wholly or so far as the same remains to be performed, has been decreed or ordered by the Court of Chancery, either before or after the lunacy, the committee of the estate may, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, on the application of the party claiming the benefit of the contract with the lunatic, or any plaintiff in the suit, receive and give an effectual discharge for the money payable to the lunatic, or so much thereof as remains unpaid, and make such conveyance of the land to such person and in such manner as the Lord Chancellor intrusted as aforesaid may order.

123. Where a person, being a member of a copartnership firm, becomes lunatic, the Lord Chancellor intrusted as aforesaid may, by order made on the application of the partner or partners of the lunatic, or of such other person or persons as the Lord Chancellor intrusted as aforesaid shall think entitled to require the same, dissolve the partnership; and thereupon, or upon a dissolution of the partnership by decree of the Court of Chancery, or otherwise by due course of law, the committee of the estate, in the name and on behalf of the lunatic, may join and concur with such other person or persons in disposing of the partnership property, as well real as personal, to such persons, upon such terms, and in such manner, and may and shall execute and do such conveyances and things for effectuating this present provision, and apply the monies payable to the lunatic in respect of his share and interest in the copartnership, in such manner as the Lord Chancellor intrusted as aforesaid shall order.

124. Where a lunatic is seized of or entitled to an undivided share of land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit and to be expedient that a sale of the land, or part thereof, or a partition of the land, should be made, and where a lunatic is seized of or entitled to land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit and to be expedient that an exchange thereof, or of part thereof, for other land, should be made, the committee of the estate, in the name and on behalf

of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, may concur with such other person in making such sale or partition, or may make such exchange, and receive such monies payable on the sale, and give or receive such monies for equality of partition or exchange, or otherwise in relation thereto, as the order may direct; and all monies received by the committee of the estate upon any such sale, partition, or exchange as aforesaid shall be applied and disposed of in manner directed in sect. 135 of this act respecting the fines, premiums, and sums of money therein mentioned; and the land taken in exchange shall be held and assured (as nearly as may be) to the same uses, and upon the same trusts, and subject to the same powers and provisions, (if any), to, upon, and subject to which the land given in exchange was held; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order.

125. Where a lunatic is seised of or entitled to land in fee-simple, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that the same or any part thereof should be made available for building purposes, and that to that end the same should, in lieu of being demised for long terms of years, be absolutely sold, he may order the same to be sold accordingly, to such persons, in such quantities, upon such terms, and in such manner as to him may seem expedient, and the monies arising thereby shall be applied and disposed of in manner directed in sect. 132 of this act respecting the surplus monies therein mentioned; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order.

126. Where a lunatic has been engaged in a trade or business, and it appears to the Lord Chancellor intrusted as aforesaid to be for the benefit of the lunatic or his estate that the business premises should be disposed of, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such conveyance of the messuages, buildings, or hereditaments of or belonging to the trade or business, or used in connexion therewith, according to the lunatic's estate and interest in the same, to such person, and shall apply the monies arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

127. Where a lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death or otherwise, or to an underlease, of whatsoever nature, and it appears to the Lord Chancellor intrusted as aforesaid to be desirable and for the benefit of the lunatic or his estate that the lease or underlease should be disposed of, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, surrender, assign, or otherwise dispose of the lease or underlease, to such person, for such valuable or nominal or other consideration, upon such terms, by such conveyances, and in such manner, and shall apply the monies (if any) arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

128. The committee of the estate of a lunatic may, with the approbation of the Lord Chancellor intrusted as aforesaid, signified by order on the application of the committee, enter into any agreement for or on behalf of the lunatic which the guardian of an infant might have entered into for or on behalf of the infant by virtue of the act passed in the session of Parliament holden in the 1 Geo. 1, c. 10, if so much of that act as related to agreements of guardians for or on behalf of infants or idiots under their guardianship had not been repealed by the act passed in the session of Parliament holden in the 1 Will. 4, c. 65, s. 25.

129. Where a lunatic is seised or possessed of or entitled to land in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that a lease or underlease should be made thereof for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such lease of the land or

any part thereof, according to the lunatic's estate and interest therein, and to the nature of the tenure thereof, for such term or terms of years, and subject to such rents and covenants, as the Lord Chancellor intrusted as aforesaid shall order.

130. Where a lunatic is seised or possessed of or entitled to land in fee or in tail, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that any mine or quarry already opened in, upon, or under the land should be worked, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such lease of the mines, quarries, minerals, stones, and substances, in, upon, or under the land, either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, in such manner and form, as the Lord Chancellor intrusted as aforesaid shall order.

131. Where a lunatic is seised or possessed of or entitled to land in fee or in tail, and it appears to the Lord Chancellor intrusted as aforesaid either to be necessary for the maintenance of the lunatic and the members of his immediate family for whom provision is directed to be made, or to be expedient in a due course of management, that any mine or quarry, being in, upon, or under the land, should be opened and worked, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such lease of the mines, quarries, minerals, stones, and substances in, upon, or under the land, although not already opened or worked, and either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, and in such manner and form, as the Lord Chancellor intrusted as aforesaid shall order.

132. Where the Lord Chancellor intrusted as aforesaid makes any such order as in and by the last preceding section is authorised to be made, by reason of its appearing to him to be necessary for the maintenance of the lunatic and such members of his immediate family as aforesaid that the mine or quarry should be opened and worked, then the monies arising thereby shall be applied in or towards such maintenance as aforesaid, in such manner as the Lord Chancellor intrusted as aforesaid shall direct; but in such case the surplus thereof, and in every other case all the monies so arising, shall be carried to a separate account, and may be applied for or towards all or any of the purposes for which monies are hereinbefore authorised to be raised by sale of the lunatic's estate, or in such other manner for the lunatic's benefit as the Lord Chancellor intrusted as aforesaid shall direct; and upon the lunatic's death the monies remaining on the credit of such separate account shall, as between the representatives of his real and of his personal estate, be considered as real estate.

133. Where a lunatic has a limited estate only in land, and any power whatsoever of leasing the same is vested in him, the committee of his estate may and shall from time to time, in the name and on behalf of the lunatic, under order of the Lord Chancellor intrusted as aforesaid, execute the power, to such extent and in such manner as the order shall direct; and all fines, premiums, and sums of money (if any) received for or upon the granting of any lease under this present provision shall be applied and disposed of in manner directed in sect. 135 of this act respecting the fines, premiums, and sums of money therein mentioned.

134. Where a lunatic is entitled to or has a right to renew, and either it would be for his benefit to renew, or he might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew, a lease made for a life or lives, or for a term of years, either absolute or determinable on a death or otherwise, the committee of his estate may, in his name, under an order of the Lord Chancellor intrusted as aforesaid, upon the application of the committee, or of any person entitled to the renewal, accept a surrender of the lease, and make and execute a new lease of the premises comprised in the lease surrendered, for such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in the lease surrendered at the making thereof, or otherwise as the Lord Chancellor intrusted as aforesaid shall order, but so that no renewed lease be exe-

cuted by virtue of this act, in pursuance of any covenant or agreement, unless the fine (if any) or such other sum of money (if any) as ought to be paid on renewal, and such things (if any) as ought to be performed in pursuance of the covenant or agreement by the lessee or tenant, be first paid and performed, and a counterpart be duly executed by the lessee.

135. All fines, premiums, and sums of money received upon renewal shall, after deduction of all necessary incidental charges and expenses, be paid to the committee of the estate, and be applied for the lunatic's benefit as the Lord Chancellor intrusted as aforesaid shall order; but upon the lunatic's death all such monies as have arisen by such fines, premiums, or sums of money, or so much thereof as then remains unapplied for his benefit, shall, as between the representatives of his real and of his personal estate, be considered as real estate, unless the lunatic be tenant for life only, and then the same shall be considered as personal estate.

136. Where a power is vested in a lunatic for his own benefit, or the consent of a lunatic is necessary to the exercise of a power, and such power of consent is in the nature of a beneficial interest in the lunatic, and it appears to the Lord Chancellor intrusted as aforesaid to be for the lunatic's benefit, and also to be expedient, that the power should be exercised or the consent given, (as the case may be), the committee of the estate may, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, made upon the application of the committee of the estate, exercise the power or give the consent (as the case may be) in such manner as the order shall direct.

137. Where a power is vested in a lunatic in the character of trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Lord Chancellor intrusted as aforesaid to be fit and expedient that the power should be exercised or the consent given, (as the case may be), the committee of the estate, in the name and on behalf of the lunatic, under an order of the Lord Chancellor intrusted as aforesaid, made upon the application of any person interested in the exercise of the power, may exercise the power or give the consent (as the case may be) in such manner as the order shall direct.

138. Where under this act the committee of the estate, under order of the Lord Chancellor intrusted as aforesaid, exercises, in the name and on behalf of the lunatic, a power of appointing new trustees vested in the lunatic, the person or persons who shall, after and in consequence of the exercise of the power, be the trustee or trustees, shall have all the same rights and powers as he or they would have had if the order had also been made by the Court of Chancery, under the Trustee Act, 1850, or any act amending the same, or if he or they had been appointed by decree of that Court in a suit duly instituted; and the Lord Chancellor intrusted as aforesaid may in any such case, where it seems to him to be for the lunatic's benefit, and also expedient, make any and every such order respecting the land or stock or choses in action subject to the trust as might have been made in the same case under the provisions of the Trustee Act, 1850, or any act amending the same, on the appointment thereunder of a new trustee or new trustees.

139. Every surrender, lease, agreement, deed, conveyance, mortgage, or other disposition granted, accepted, made, or executed by virtue of this act, shall be as valid and legal, to all intents and purposes, as if the person in whose name or place or on whose behalf the same was granted, accepted, made, or executed had been of sound mind, and had granted, accepted, made, or executed the same.

140. Where any stock is standing in the name of or is vested in a lunatic beneficially entitled thereto, or is standing in the name of or vested in a committee of the estate of a lunatic, in trust for the lunatic, or as part of his property, and the committee dies intestate, or himself becomes lunatic, or is out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it is uncertain whether the committee be living or dead, or he neglects or refuses to transfer the stock, and to receive and pay over the dividends thereof to a new committee, or as he directs, for the space of fourteen days next after a request in writing for that purpose made by a new committee, then the Lord Chancellor intrusted as aforesaid may order some fit person to transfer the stock to or into the name of a new committee, or into the name of the Accountant-

General of the Court of Chancery, or otherwise, and also to receive and pay over the dividends thereof, or such sum or sums of money, and in such manner, as the Lord Chancellor intrusted as aforesaid may order.

141. Where any stock, or any portion of the capital stock, or any share of any company or society, whether transferable in books or otherwise, is standing in the name of or vested in a person residing out of England and Wales, the Lord Chancellor intrusted as aforesaid, upon proof to his satisfaction that the person has been declared idiot, lunatic, or of unsound mind, and that his personal estate has been vested in a curator or other person appointed for the management thereof, according to the laws of the place where he is residing, may order some fit person to make such transfer of the stock, or such portion of the capital stock or share as aforesaid, or any part or parts thereof respectively, to or into the name of the curator or other person appointed as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as the Lord Chancellor intrusted as aforesaid may think fit.

142. When an order is made under this act for the transfer of stock, the person to be named in the order for making the transfer shall be some proper officer of the company or society in whose books the transfer is to be made; and where the transfer is to be made in books kept by the Governor and Company of the Bank of England, the officer to be named shall be the secretary or deputy secretary, or accountant-general or deputy accountant-general, for the time being, of the said Governor and Company.

143. All transfers and payments made in pursuance of this act shall be valid and binding to all intents and upon all persons whomsoever.

144. This act shall be a full indemnity and discharge to the Governor and Company of the Bank of England, their officers and servants, and all other persons respectively, for all acts and things done or permitted to be done pursuant thereto, which acts and things respectively shall not be questioned or impeached in any court of law or equity to their detriment.

145. The Lord Chancellor intrusted as aforesaid may order the costs and expenses of and relating to the petitions, applications, orders, directions, conveyances, and transfers to be made in pursuance of this act, or any of them, to be paid and raised out of or from the land or stock, or the rents or dividends in respect of which the same respectively shall be made, in such manner as he may think proper.

146. Nothing in this act contained shall extend to subject any part of a lunatic's property to the debts or demands of his creditors, further or otherwise than as the same is now subject thereto by due course of law.

147. The powers and authorities given by this act to the Lord Chancellor intrusted as aforesaid shall extend to all land and stock within any of the dominions, plantations, and colonies of her Majesty, (except Scotland and Ireland).

And with respect to the traverse of an inquisition, be it further enacted as follows:—

148. Any person desiring to traverse may, within the three months next after the day of the return of the inquisition, present a petition for that purpose to the Lord Chancellor intrusted as aforesaid, who is hereby required to hear and determine the petition, and shall, in his order upon it for a traverse, limit a time, not exceeding six months from the date of the order, within which the person desiring to traverse and all other proper parties are to proceed to trial of the traverse, and who may by the same or any other order direct that the person desiring to traverse, not being the person the object of the inquisition, shall, within the three weeks next after the date of the order, give sufficient security to and to the satisfaction of the Masters for all proper parties proceeding to trial within the time to be limited aforesaid.

149. Every person having the right to traverse who shall not within the time hereinbefore limited present his petition for that purpose, or who shall refuse or neglect to give such security as aforesaid, or who shall not proceed to trial within the time to be limited as aforesaid, and his heirs, executors, and administrators, and all others claiming by, through, or under him, shall be absolutely barred of his and their right of traverse, unless the Lord Chancellor intrusted as aforesaid shall, under the special circumstances of any particular case, think fit, upon petition for that purpose, to allow the traverse to be had or tried after the time by this act limited, in all which special

cases the Lord Chancellor intrusted as aforesaid may make such orders as to him shall seem just.

150. If the Lord Chancellor intrusted as aforesaid be dissatisfied with the verdict returned upon a traverse, he may order one or more new trial or trials thereon, as to him shall seem meet, and as is usual in cases of issues directed by the Court of Chancery; but no person shall be admitted to traverse oftener than once.

151. The Lord Chancellor intrusted as aforesaid and the Masters may from time to time, after the return of the inquisition, and notwithstanding a petition or order depending relative to a traverse thereof, make such orders and do such acts relative to the custody and commitment of the person, and the commitment, management, and application of the estates and effects of the person, the object of the inquisition, as he or they shall think necessary or proper, (inclusive of the imposition and levying of fees and per-centage as hereinbefore provided); and all things done by any person appointed committee of the person or estate, or by any other person, shall be as valid and effectual, and all committees and other persons respectively, and their respective heirs, executors, and administrators, are hereby indemnified in respect of all such things as aforesaid from and against all actions, suits, and proceedings, damages, costs, charges, and expenses, to be brought, commenced, had, or recovered by the person the object of the inquisition, his heirs, executors, or administrators, or any other person whomsoever, as fully and effectually as if the inquisition had not been traversable, but not further or otherwise.

And with respect to the supersedeas of an inquisition, be it further enacted as follows:—

152. Where any person has been found of unsound mind by inquisition, but the question of unsoundness of mind is disputed, and liberty to traverse has been applied for, and whether granted or not, and it appears to the Lord Chancellor intrusted as aforesaid to be for the lunatic's benefit and also to be expedient that the inquisition should be superseded on terms and conditions, and subject to an arrangement respecting the lunatic's estate, he may, upon the consent of the lunatic and of the person entitled or claiming to traverse, and of such other persons, if any, whose consent he may deem necessary, order the inquisition to be superseded on such terms and conditions to be fulfilled by the lunatic or such other person, and subject to such arrangement respecting the lunatic's estate, as

he may under the circumstances of the case think proper, and may by the same or any other order direct the lunatic and any other persons, being consenting parties to the arrangement, to execute, make, and do, before or after the issuing of the writ of supersedeas, and he and they shall accordingly execute, make, and do, all such conveyances, transfers, and things as may to the Lord Chancellor intrusted as aforesaid seem necessary or proper for or for securing the fulfilment of such terms and conditions and the completion of such arrangement as aforesaid, and generally may make such orders as to him may seem proper for effectuating this present provision; and all conveyances, transfers, and things executed, made, and done under any such order of the Lord Chancellor intrusted as aforesaid, either before or after the issuing of the writ of supersedeas, shall be as valid and binding to all intents, and upon all persons whomsoever, as if the lunatic had not been found or had not been of unsound mind, but not further or otherwise.

And be it declared and further enacted as follows:—

153. The Lord Chancellor, with the advice and assistance aforesaid, may from time to time make such orders as to him shall seem meet for carrying into effect the purposes of this act, and for regulating the form and mode of proceeding before and by the Masters and the practice in matters in lunacy, and for regulating the duties of the several officers in lunacy, and, so far as to him may seem expedient, for altering the course of proceeding hereinbefore prescribed in respect of the matters to which this act relates, or any of them; and any such order as aforesaid may be from time to time rescinded or varied by the like authority; and every such order as aforesaid which shall alter the course of proceeding hereinbefore prescribed in respect of the matters to which this act relates, or any of them, shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then assembled, and if not, then within fourteen days after the meeting of Parliament then next following; and if either House of Parliament shall, by resolution, passed within thirty-six days next after any such order as aforesaid has been laid before it, resolve that the whole, or any part thereof, ought not to continue in force, in that case the whole order, or the part of the order specified in the resolution, (as the case may be), shall from and after the passing of the resolution cease to be binding.

#### THE SCHEDULES ABOVE REFERRED TO.

##### SCHEDULE I.—(Section 1).

*The Acts repealed by this Act, wholly or in part.*

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
6 Geo. 4, c. 53 . . . [22nd June, 1825.]	An Act for limiting the Time within which Inquisitions of Lunacy, Idiocy, and Non Compos Mentis may be traversed, and for making other Regulations in the Proceedings pending a Traverse.	The whole act, except so far as it relates to Ireland.
1 Will. 4, c. 65 . . . [23rd July, 1830.]	An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind.	So much of the act as relates to or affects idiots, lunatics, and persons of unsound mind, or their property, except so far as it relates to Ireland, but excluding from this exception sect. 41, which is in substance re-enacted by this act.
3 & 4 Will. 4, c. 36 [24th July, 1833.]	An Act for diminishing the Inconvenience and Expense of Commissions in the Nature of Writs De Lunatico Inquirendo, and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition.	The whole act.
3 & 4 Will. 4, c. 84 [28th August, 1833.]	An Act to provide for the Performance of the Duties of certain Offices connected with the Court of Chancery which have been abolished.	So much of the act as relates to the office or place of "The Secretary of Lunatics."
5 & 6 Vict. c. 84 . . [5th August, 1842.]	An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De Lunatico Inquirendo.	The whole act, except sects. 10, 12, and 16, which relate to the abolition of an office, and to the Suitors' Fee Fund, and to certain compensations.
15 & 16 Vict. c. 48 [30th June, 1852.]	An Act for the Amendment of the Law respecting the Property of Lunatics.	Sects. 1, 2, and 3, except so far as the same relate to Ireland.
15 & 16 Vict. c. 87 [1st July, 1852.]	An Act for the Relief of the Suitors of the High Court of Chancery.	Sects. 14, 30, 31, 32, and 33, all which are in substance re-enacted by this act.

## SCHEDULE II.—(Section 6).

*The Oath of the Masters.*

I, —, do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts given to and reposed in me as one of the Masters in Lunacy, and that without favour or affection, prejudice or malice. So help me God.

## SCHEDULE III.—(Section 59).

*Short Form of Affidavit.*

In the matter of A. B., a person of unsound mind.

I, C. D., the petitioner named in the above-written (or annexed, as the case may be) petition, [or the person bringing in the above-written (or annexed) state of facts, &c.], make oath and say, that so much of the above-written petition, &c. [as before] as relates to my own acts and deeds is true, and so much thereof as relates to the acts and deeds of any and every other person I believe to be true.

Sworn &c.

(To be continued).

**London Gazettes.**

FRIDAY, SEPTEMBER 23.

**BANKRUPTS.**

NESTOR RYLAND, Gower's-walk, Whitechapel, Middlesex, wheelwright, smith, and farrier, Sept. 29 and Oct. 27 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, Basinghall-street.—Petition filed Sept. 20.  
CHARLES MOSS SALMON, Birmingham, general dealer, dealer and chapman, Oct. 3 at half-past 10, and Oct. 24 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Smith, Birmingham.—Petition dated Sept. 21.

**MEETINGS.**

Christopher Thos. Potts, Sunderland, Durham, shipowner, Oct. 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—Robert Nelson, Mary Nelson, and Robert Nelson the younger, Darlington, Durham, provision merchants, Oct. 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.; at 1, aud. ac.; Oct. 19 at 11, div.—Wm. Howlings, Basing, Hampshire, miller, Oct. 3 at 12, Court of Bankruptcy, London, aud. ac.—Thomas Ballard, Southwick-place, Paddington, Middlesex, apothecary, Oct. 3 at 12, Court of Bankruptcy, London, aud. ac.—P. Hayes, Widnes, Lancashire, oil manufacturer, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Henry Nicholls, Eastham, innkeeper, and T. Hillier, Birkenhead, Cheshire, scrivener, Oct. 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac. joint and sep. ests.—S. P. Boot, Birmingham, stationer, Oct. 18 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 27 at 11, div.—W. Clunes, Brydges-street, Covent-garden, Middlesex, pawnbroker, Oct. 15 at 2, Court of Bankruptcy, London, div.—M. Harris, Regent-st, Middlesex, furrier, Oct. 15 at 12, Court of Bankruptcy, London, div.—Frederick Chaplin and Wm. H. Chaplin, Bishop Stortford, Hertfordshire, tanners, Oct. 15 at half-past 2, Court of Bankruptcy, London, div. sep. est. of Frederick Chaplin.—Elijah May, Edgeware-road, Middlesex, straw-hat warehouseman, Oct. 15 at half-past 12, Court of Bankruptcy, London, div.—Geo. Potter, Grosvenor Basin, Pimlico, Middlesex, and Wouldham and Burham, Kent, lime burner, Oct. 14 at 12, Court of Bankruptcy, London, div.—Richard Nelson Reeves, Newgate-st., London, woollendrapery, Oct. 15 at half-past 1, Court of Bankruptcy, London, div.

**CERTIFICATES.**

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Patrick Drum, Liverpool, glass bottle dealer, Oct. 17 at 11, District Court of Bankruptcy, Liverpool.—Samuel P. Boot, Birmingham, stationer, Oct. 18 at 11, District Court of Bankruptcy, Birmingham.—Thomas Hamblet, Brotherton, Yorkshire, glass manufacturer, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—James Robinson, Tideswell, Derbyshire, corn factor, Nov. 12 at 12, District Court of Bankruptcy, Sheffield.—James Scott, Sheffield, Yorkshire, innkeeper, Oct. 15 at 12, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

William Long, Philip-st., Back-lane, St. George's-in-the-East, Middlesex, licensed victualler.—J. Richardson Oates, Finch-lane, Cornhill, London, tailor.—Matthew S. Hooper, Billiter-st., London, tea dealer.—Henry J. Michael Meyers, Philpot-lane, Fenchurch-st., London, commission merchant.—Francis English, Manchester, power-loom cloth manufacturer.—William Henry Holland, Manchester, commission agent.

**SCOTCH SEQUESTRATIONS.**

Wm. Mcintosh, Glasgow, wine merchant.—James Dallas & Son, Wick, saddler.

**INSOLVENT DEBTORS**

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Wm. Johns, Worcester, bootmaker, Oct. 12 at 10, County Court of Worcestershire, at Worcester.—Wm. Weaver, Claverley, Shropshire, turnpike-road surveyor, Oct. 6 at 10, County Court of Shropshire, at Bridgenorth.—Thos. Rawkins, Bristol, out of business, Nov. 2 at 11, County Court of Gloucestershire, at Bristol.—F. Gummer, Bristol, in no business, Oct. 26 at 11, County Court of Gloucestershire, at Bristol.—Craven Craven, Kingston-upon-Hull, provision dealer, Oct. 14 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—Thos. Parkin, Kingston-upon-Hull, joiner, Oct. 14 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—John Carter, Kingston-upon-Hull, innkeeper, Oct. 14 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—J. Tross the younger, Sheffield, Yorkshire, wheelwright, Oct. 5 at 12, County Court of Yorkshire, at Sheffield.—W. Twick, Tenby, Pembrokeshire, Inland Revenue officer, Oct. 10 at 10, County Court of Pembrokeshire, at Pembroke.—Richard Scholes, Hillhouse, Huddersfield, Yorkshire, corn miller, Oct. 10 at 10, County Court of Yorkshire, at Huddersfield.—William Williamson, Hulme, Manchester, assistant to a fancy toy dealer, Oct. 17 at 11, County Court of Lancashire, at Manchester.—Frances Whitford, widow, Exeter, painter, Oct. 11 at 10, County Court of Devonshire, at Exeter.—H. Churchhill, Exeter, wireworker, Oct. 11 at 10, County Court of Devonshire, at Exeter.—Wm. Lewis, Ewyas Harold, Herefordshire, beer-shop keeper, Oct. 13 at 10, County Court of Herefordshire, at Hereford.—Thos. Adams, Newport Pagnell, Buckinghamshire, in no business, Oct. 20 at 12, County Court of Buckinghamshire, at Newport Pagnell.

The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

**Re-Advertisement.**

Sept. 29 at 10, before the CHIEF COMMISSIONER.

William Dunbar, Lacey-terrace, Penton-place, Walworth, Surrey, coal dealer.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Oxfordshire, at OXFORD, Oct. 7.

James Joyner, Burford, out of business.

At the County Court of Lancashire, at LANCASTER, Oct. 7 at 10.

James Noden, Salford, confectioner.—George D. Robinson, Manchester, licensed victualler.—G. W. Heap, Houghton-green, near Ashton-under-Lyne, licensed victualler.—John Hunt, Haydock, near Ashton-in-the-Willows, joiner.—John Upton, Hulme, plumber.—Wm. Blevin, Liverpool, licensed victualler.—Samuel Cox, Chorlton-upon-Medlock, out of business.—James Bewick, Lower Crumpsall, near Manchester, labourer.—John Hartley, Liverpool, out of business.—Joseph Latham, Preston, clogger.—Samuel Lloyd, Ashton-under-Lyne, out of business.—George Calcraft, Manchester, licensed victualler.—Henry Bickerstaff, Manchester, scene painter.—J. S. Johnson, Preston, professor of music.—John Barlow, Manchester, porter brewer.—George Horsman, Pateley-bridge, near Ripon, Yorkshire, labourer.—John Eaton, Ashton-under-Lyne, out of business.—John Hughes, Liverpool, plumber.—Joseph Wm. Hadfield, Ashton-under-Lyne, out of business.

*At the County Court of Warwickshire, at WARWICK, Oct. 10 at 10.*

*Josiah Ballinger, Cheltenham, in no business.*

*At the County Court of Lincolnshire, at LINCOLN, Oct. 11 at 12.*

*Thomas Youngman, Lincoln, out of business.*

*At the County Court of Monmouthshire, at MONMOUTH, Oct. 14 at 2.*

*Wm. B. Watkins, Chepstow, butcher.*

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Oct. 14 at 2.*

*Flinton Clarkson, Kingston-upon-Hull, dealer in hay.—*

*D. Smales, Kingston-upon-Hull, general commission agent.*

*At the County Court of Lancashire, at MANCHESTER, Oct. 17 at 11.*

*John Traversae, Hulme, Manchester, joiner.*

## TUESDAY, SEPTEMBER 27.

### BANKRUPTS.

**RICHARD WESTBROOK**, Laurie-terrace, New-cross, Deptford, Kent, late of Islington, Middlesex, hat dealer, dealer and chapman, Oct. 3 at half-past 1, and Nov. 12 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Tyrell & Co., Guildhall-yard, London.—Petition dated Sept. 23.

**JAMES DEACON**, Oxford, builder, Oct. 3 at 2, and Nov. 12 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sheard & Baker, 6, Old Jewry, London.—Petition filed Sept. 19.

**THOMAS SHERRATT**, Washerwall, Stoke-upon-Trent, Staffordshire, grocer and beerseller, dealer and chapman, Oct. 8 and 29 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated Sept. 20.

**THOMAS MORGAN CARTER**, Bristol, builder and carpenter, Oct. 11 and Nov. 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevern & Girling, Bristol.—Petition filed Sept. 23.

**JOSEPH HOPKINSON**, Barlborough, Derbyshire, brick and tile maker, Oct. 15 and Nov. 5 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. W. & B. Wake, Sheffield.—Petition dated Sept. 23, and filed Sept. 24.

### MEETINGS.

*R. Penistaw, Staverton-row, Walworth, Surrey, draper, Oct. 7 at 12, Court of Bankruptcy, London, aud. ac.—M. Harris, Regent-street, Middlesex, furrier, Oct. 7 at 12, Court of Bankruptcy, London, aud. ac.—Elijah May, Edgeware-road, Middlesex, straw-hat warehouseman, Oct. 7 at 12, Court of Bankruptcy, London, aud. ac.—James M'Monies, Liverpool, commission merchant, Oct. 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Power and John Wallace, Liverpool, merchants, Oct. 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—J. B. Davies, Liverpool, provision merchant, Oct. 14 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—O. Veale, Ashwater, Devonshire, miller, Oct. 13 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 27 at 1, div.—John Cornish, Tiverton, Devonshire, grocer, Oct. 13 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 27 at 1, div.—G. Trutt, Bridgewater, Somersetshire, iron-monger, Oct. 13 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 27 at 1, div.—John Watts, Tiverton, Devonshire, hatter, Oct. 13 at 1, District Court of Bankruptcy, Exeter, aud. ac.—Thomas Robinson, Kingston-upon-Hull, broker, Nov. 16 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—John Bottomley, Marton, Lincolnshire, miller, Nov. 9 at 11, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; at half-past 12, div.—William Long, Philip-street, Backchurch-lane, St. George's-in-the-East, Middlesex, licensed victualler, Oct. 19 at 1, Court of Bankruptcy, London, div.—William Wood, Grand Junction-terrace, Edgeware-road, Paddington, Middlesex, stationer, Oct. 19 at half-past 1, Court of Bankruptcy, London, div.—John Lilley and Alfred Ashmall, Liverpool, merchants, Oct. 20 at 11, District Court of Bankruptcy, Liverpool, fin. div. sep. est. of J. Lilley.*

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*David Powell, Woolwich, Kent linen-draper, Oct. 20 at 12, Court of Bankruptcy, London.—Thomas Dark, Bristol,*

*contractor, Oct. 19 at 11, District Court of Bankruptcy, Bristol.—Kate Hynes, St. Thomas-the-Apostle, Devonshire, dealer in marine stores, Oct. 27 at 1, District Court of Bankruptcy, Exeter.*

*To be granted, unless an Appeal be duly entered.*

*Wm. Riley, St. Helen's, Lancashire, glass manufacturer.*

### PETITIONS ANNULLED.

*James Kelly, Baker's-row, Walworth, Surrey, tailor.—H. Cummings, Market Lavington, Wiltshire, plumber.*

### SCOTCH SEQUESTRATION.

*Alexander Burns, Falkirk, jeweller.*

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Enoch Tessedale, Leake, Lincolnshire, out of business, Oct. 13 at 10, County Court of Lincolnshire, at Boston.—Samuel Bull, King's Lynn, Norfolk, shoemaker, Oct. 12 at 3, County Court of Norfolk, at King's Lynn.—James Stephenson, Lincoln, out of business, Oct. 11 at 12, County Court of Lincolnshire, at Lincoln.—Henry Davies, Denbigh, draper, Oct. 13 at 11, County Court of Denbighshire, at Denbigh.—Edward Jackson, Stoneleigh, Warwickshire, licensed victualler, Oct. 12 at 12, County Court of Warwickshire, at Coventry.—A. P. Nicholson, Fareham, Southampton, mail contractor, Oct. 14 at 11, County Court of Hampshire, at Portsmouth.—Wm. Allen, Fareham, Southampton, grocer, Oct. 14 at 11, County Court of Hampshire, at Portsmouth.—John Hawke, Falmouth, Cornwall, baker, Oct. 8 at 11, County Court of Cornwall, at Falmouth.*

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 2 at 10, before the CHIEF COMMISSIONER.*

*Alfred Valentine Breater, Southampton-st., Camberwell, Surrey, pocket-book manufacturer.*

*Saturday, Sept. 24.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*George Umpelby, Charlotte-terrace, New-out, Lambeth, Surrey, shoemaker: in the Gaol of Surrey.—John Andrew Nolan, Hales-place, South Lambeth, Surrey, in no business: in the Queen's Prison.—Henry Wm. Lindus, South-square, Gray's-inn, Middlesex, articled clerk to an attorney: in the Debtors Prison for London and Middlesex.—Peter Paul Cusack, Waverly-road, Paddington, Middlesex, civil engineer: in the Queen's Prison.—Edwin Thos. Hicks, Bath, Somersetshire, scientific lecturer: in the Debtors Prison for London and Middlesex.—George J. Ebene Smith, Whitechapel-road, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—John Rose, New Church-road, Camberwell, Surrey, timber dealer: in the Gaol of Surrey.—Geo. F. Taylor, Windmill-street, Tottenham-court-road, Middlesex, music master: in the Debtors Prison for London and Middlesex.—Jas. Haynes Haynes, Calford-road, South Kingland, Middlesex, solicitor: in the Queen's Prison.—Thos. Bagnall Baker, Burr-street, Minorities, City, lecturer at Christ Church, Spitalfields: in the Queen's Prison.—John Walker, York-road, Lambeth, Surrey, auctioneer: in the Queen's Prison.—Henry Harcourt Wynne Aubrey, Canterbury-place, Lambeth-road, Surrey, lieutenant-colonel in the Spanish army: in the Queen's Prison.—Wm. Closs Smith, Bromley-street, Commercial-road East, Middlesex, warehouseman: in the Debtors Prison for London and Middlesex.—Edward Sait, Royal Opera-arcade, Pall-mall, Middlesex, shirtmaker: in the Debtors Prison for London and Middlesex.—Edw. Lamee, High-st., Kensington, Middlesex, hat manufacturer: in the Debtors Prison for London and Middlesex.—Charles H. Manning Eden, Belgrave-road, Pimlico, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex.—E. Dipple, Chalcroft-terrace, New-out, Lambeth, Surrey, servant to a gas fitter: in the Gaol of Surrey.—J. Williams, Henrietta-st., Brunswick-square, Middlesex, superannuated dockyard clerk: in the Debtors Prison for London and Middlesex.—J. Barlow, Manchester, porter brewer: in the Gaol of Lancaster.—*



**J. W. Toddwater**, Liverpool, grocer: in the Gaol of Lancaster.—**Samuel Cox**, Manchester, out of business: in the Gaol of Lancaster.—**Thomas Milton** the younger, Chatham, Kent, assistant to a bookbinder: in the Gaol of Maidstone.—**Jesse Jenkins**, Birmingham, out of business: in the Gaol of Warwick.—**Joseph W. Hadfield**, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—**Charles Ball**, Attleborough, Warwickshire, farm bailiff: in the Gaol of Coventry.—**Wm. Manley**, Birmingham, out of business: in the Gaol of Coventry.—**John G. Lynch**, Dover, Kent, out of business: in the Gaol of Dover.—**Daniel Abraham E. James**, Coventry, Warwickshire, retail brewer: in the Gaol of Warwick.—**Henry C. Laugher**, Pershore, Worcestershire, out of business: in the Gaol of Worcester.—**Edmund Read**, Birmingham, solicitor: in the Gaol of Coventry.—**J. Richmond**, Feasgate, Yorkshire, watchmaker: in the Gaol of York.—**Thomas Salt**, High Harrogate, Yorkshire, auctioneer: in the Gaol of York.—**John Bailey**, Starbeck, near Harrogate, Yorkshire, out of business: in the Gaol of York.—**Samuel Fry**, Street, near Glastonbury, Somersetshire, saddler: in the Gaol of Wilton.—**Frank Preston**, Lymm, Cheshire, druggist's assistant: in the Gaol of Chester.—**R. Ward**, Wolverhampton, Staffordshire, out of business: in the Gaol of Stafford.—**John Baddock**, Aylesbury, Buckinghamshire, tailor: in the Gaol of Aylesbury.—**George L. Banks**, Aston, Warwickshire, out of business: in the Gaol of Coventry.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, Oct. 12 at 11.*

*Richard Ward*, Wolverhampton, butcher.

*At the County Court of Warwickshire, at COVENTRY, Oct. 12 at 12.*

*George Evans*, Birmingham, out of business.—*E. Read*, Birmingham, out of business.—*Wm. Manley*, Birmingham, out of business.—*Charles Ball*, Attleborough, farm bailiff.—*John Boodle*, Birmingham, carpenter.

*At the County Court of Worcestershire, at WORCESTER, Oct. 12.*

*James Lea* the younger, Worcester, butcher.—*Henry C. Laugher*, Pershore, out of business.—*W. Davis*, Uckington, dealer in cattle.

*At the County Court of Kent, at DOVER, Oct. 14 at 10.*

*John G. Lynch*, Dover, out of business.

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# The Jurist

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LONDON, OCTOBER 8, 1853.

THE case of *Miss Cunningham*, which has attracted so much attention in both a religious and a political point of view, raises a rather new and not easy question of international law. There can be no doubt whatever, that, according to the general principles of the law of nations, *Miss Cunningham* rendered herself liable to the penalty imposed by the laws of Tuscany, for the offence of distributing the forbidden books—assuming, of course, that upon the construction of the articles, which have been publicly cited, of the Tuscan code, the acts which she did were within those articles, and would have been a crime punishable in a Tuscan subject. There is no rule of international law, indeed, better established, than that every independent State has a right to make such laws, for its own government, as it thinks fit; and no subject of another State has a right to enter it, without subjecting himself to the laws of the State that he so enters; and this applies surely, in general, to matters of religion as well as to other matters of national right. The 58th section of *Vattel's Treatise* (vol. 1, p. 316) seems to apply to the very class of cases under discussion. "La religion," he says, "est dans tous les sens un objet très intéressant pour une nation; c'est l'une des matières les plus importantes qui puissent occuper le gouverne-

ment. Un peuple indépendant n'a de compte à rendre qu'à Dieu au sujet de sa religion; il est en droit de se conduire à cet égard, comme en tout autre chose, suivant les lumières de sa conscience, et de ne point souffrir qu'aucun étranger s'ingère dans une affaire si délicate." And in the following section, "Il est donc certain que l'on ne peut se mêler malgré une nation, de ses affaires de religion, sans blesser ses droits et lui faire injure: beaucoup moins est il permis d'employer la force des armes, pour l'obliger à recevoir une doctrine et un culte que l'on regarde comme divins." If, in the passage first quoted, one were to substitute particular things for general symbols, viz. "Tuscany" for "an independent nation," and "*Miss Cunningham*" for "any stranger," we should have it thus laid down—"Tuscany is not answerable to any but God on the subject of religion: she has a right, on that as on every other subject, to act according to the dictates of her conscience, and not to permit *Miss Cunningham* to meddle in so delicate a matter."

If, then, this case were looked at according to the established, and if one may so term them, the technical maxims of the law of nations, there could be no question that the Tuscan Government would act lawfully if it insisted on punishing *Miss Cunningham* according to its own laws, and that it would be a breach of the law of nations for England to go beyond friendly remonstrances and persuasion.

But the broader question is, whether the practice of the civilised nations of Europe, for the last quarter of a century at least, has not introduced, as an element, into the law of nations, an extent of general toleration which makes it inconsistent with the principles of international law, that any State shall make laws, affecting the religious conduct of strangers of a different faith who may come within its territory, to an extent amounting to cruelty and oppression. It must not be overlooked, that the convenience of international rela-

tions and intercourse is the foundation of the law of nations; and that a rule which might be very sound one or two centuries back, when intolerance was the prevailing feeling in all, or nearly all, religious communities, because it was in harmony with that intolerance which it was convenient to nations to maintain, may now cease to be sound or applicable, simply because the general convenience of civilised nations is not answered by it.

Even according to Vattel, when a religion is persecuted in a country, foreign nations professing that religion may intercede on behalf of their brethren; and he goes on to say, "that is all they can do legitimately, unless the persecution is carried to intolerable excess; then it falls into the class of manifest tyranny, against which any nation may assist an unfortunate people." (Sect. 62).

Now, if one nation—say Tuscany—chooses to subject Protestants, for doing that which is to them, religiously speaking, a duty, to punishment so severe, that in no other civilised country is such a punishment attached to anything but crime—that is, crime recognised as such, to a greater or less degree, by all the group of civilised nations, of which Tuscany claims to be a member—is not such conduct almost within the exception stated by Vattel? But if it is not so strictly, must not that exception be extended, or expanded, in order to harmonise with the broad and fundamental principles which lie at the root of all international law?

The question is, as we here commenced by observing, not easy. It is of course very easy to deal with such a question by talking of the insulted honour of England, and such topics, more suited to the hustings, than the cabinet of the responsible statesman; but it is not easy to decide where the line is at this day to be drawn, between the just exercise of the sovereign right of every nation to subject foreigners, voluntarily coming within its territory, to the laws framed for its own religious government, and the excess of severity in the exercise of that right, which shall degenerate into such oppression and tyranny, as regards other nations, as will entitle them to claim immunity from such laws for their own subjects.

## PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 374).

### CAP. LXXI.

An Act to amend the Law relating to the Stamp Duties upon Newspapers. [15th August, 1853.]

### CAP. LXXII.

An Act to continue an Act of the eleventh Year of her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland. [15th August, 1853.]

### CAP. LXXIII.

An Act for the Establishment of a Body of Naval Coast Volunteers, and for the temporary Transfer to the Navy, in case of Need, of Seafaring Men employed in other Public Services. [15th August, 1853.]

### CAP. LXXIV.

An Act to reduce the Terms on which the Land Tax in Great Britain may be redeemed or purchased. [15th August, 1853.]

### CAP. LXXV.

An Act for the Remission of the Consolidated Annuities charged upon Districts in Ireland. [15th August, 1853.]

### CAP. LXXVI.

An Act to continue certain Acts for regulating Turnpike-roads in Ireland. [15th August, 1853.]

### CAP. LXXVII.

An Act to continue an Act of the fifteenth Year of her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the common Fund. [15th August, 1853.]

### CAP. LXXVIII.

An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration. [15th August, 1853.]

- Sect. 1. "*Masters Extraordinary*" to cease to be so styled, and to be designated "*Commissioners*."
2. *Power to appoint Solicitors to administer Oaths and take Declarations in Chancery, and to be styled "London Commissioners."*
  3. *Commissioners may be appointed to administer Oaths in Chancery for the Channel Islands.*
  4. *Commissioners' Appointment to bear a Chancery Stamp of 1l., in lieu of other Charges.*
  5. *Nothing to lessen Power of Lord Chancellor. Reference to Masters Extraordinary in Acts to apply to Commissioners.*
  6. *Affidavits for Purposes connected with Registration.*
  7. *Persons authorised to administer Oaths in Chancery may administer Oaths in Chancery of County Palatine of Lancaster.*
  8. *Term "Lord Chancellor."*

Be it enacted &c. as follows:—

Sect. 1. The persons now styled "*Masters Extraordinary in Chancery*" shall cease to be so styled, and they and all persons hereafter appointed by the Lord Chancellor to execute like duties in England shall be designated "*Commissioners to administer Oaths in Chancery in England*," and shall possess and exercise all such powers and discharge all such duties as now appertain to the office of Master Extraordinary in Chancery by virtue of any statute or order of the Court of Chancery or of the Lord Chancellor, or usage in that behalf, or otherwise.

2. It shall be lawful for the Lord Chancellor from time to time to appoint any persons practising as solicitors within ten miles from Lincoln's Inn Hall at their respective places of business to administer oaths and take declarations, affirmations, and attestations of honour in Chancery, and to possess all such other powers and discharge all such other duties as aforesaid; and such persons shall be styled "*London Commissioners to administer Oaths in Chancery*;" and they shall be entitled to charge and take a fee of 1s. 6d. for every oath administered by them, and for every declaration, affirmation, or attestation of honour taken by them, subject to any order of the Lord Chancellor varying or annulling the same.

3. It shall be lawful for the Lord Chancellor from time to time to appoint any persons practising as solicitors in the Isle of Man, in the Channel Islands, or any of them, to administer oaths and take declarations, affirmations, and attestations of honour in Chancery, and to possess all such other powers and discharge all such other duties as aforesaid; and such persons shall be styled "*Commissioners to administer Oaths in Chancery for the Channel Islands*;" and they shall be entitled to charge and take the same fees as the said "*Commissioners to administer Oaths in Chancery*."

4. The fiat or document by which any such Commissioners as aforesaid shall be appointed shall bear a Chancery stamp of 1l., in lieu of the stamp of 5s. now required; but no other charge or fee shall be made or payable in respect of such appointment, or of anything requisite to be done in order to perfect the same; and it shall not be necessary that any such appointment should be published in the London Gazette.

5. Nothing herein contained shall abridge or lessen the power of the Lord Chancellor as it now exists to appoint fit

persons to administer oaths and take declarations, affirmations, and attestations of honour in Chancery, or to regulate the fees to be taken by them; and where any act of Parliament refers to the Masters Extraordinary in Chancery, or to their powers or duties, the reference shall be held to apply to and include the Commissioners hereinbefore mentioned, or to their powers or duties, as the case may be.

6. And whereas by sect. 22 of the 15 & 16 Vict. c. 86, it is enacted, that "all pleas, answers, disclaimers, examinations, affidavits, declarations, affirmations, and attestations of honour in causes or matters depending in the High Court of Chancery, and also acknowledgments required for the purpose of involving any deed in the said court, shall and may be sworn and taken in Scotland or Ireland, or the Channel Islands, or in any colony, island, plantation, or place under the dominion of her Majesty in foreign parts, before any judge, court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of her Majesty's consuls or vice-consuls in any foreign parts out of her Majesty's dominions; and the judges and other officers of the said Court of Chancery shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, person, consul, or vice-consul, attached, appended, or subscribed to any such pleas, answers, disclaimers, examinations, affidavits, affirmations, attestations of honour, declarations, acknowledgments, or other documents to be used in the said court;" and whereas by the 23rd and 24th sections of the same act it is also enacted, that "all persons swearing, declaring, affirming, or attesting before any person authorised by this act to administer oaths and take declarations, affirmations, or attestations of honour, shall be liable to all such penalties, punishments, and consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any court or persons now by law authorised to administer oaths and take declarations, affirmations, or attestations upon honour;" and that "if any person shall forge the signature or the official seal of any such judge, notary public, or other person lawfully authorised to administer oaths under this act, or shall tender in evidence any plea, answer, disclaimer, examination, affidavit, or other judicial or official document, with a false or counterfeit signature or seal of any such judge, court, notary public, or other person authorised as aforesaid, attached or appended thereto, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under the 8 & 9 Vict. [c. 113], intituled 'An Act to facilitate the Admission in Evidence of certain official and other Documents:'" and whereas it is expedient to extend the recited provisions of the said first-mentioned act for the purpose of diminishing the expense of and incident to registration of deeds, wills, and other documents or things: be it enacted, that such provision shall extend to the Isle of Man, and that all affidavits, declarations, and affirmations to be used before any registrar or other officer of any registry office in Great Britain or Ireland, for any purpose connected with registration of deeds or wills, or other documents or things, under the authority of Parliament, may be sworn and taken in Scotland or Ireland, the Isle of Man, or the Channel Islands, or in any colony, island, plantation, or place under the dominion of her Majesty in foreign parts, before any court, judge, notary public, or person hereby or otherwise lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of her Majesty's consuls or vice-consuls in any foreign parts out of her Majesty's dominions; and all registrars and other officers of any such registry office shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, person, consul, or vice-consul which shall be attached, appended, or subscribed to any such affidavit, declaration, or affirmation, or any other document; and that the enactments contained in the said 23rd and 24th sections shall be deemed to be incorporated herein as effectually as if the same enactments were expressly re-enacted in this act and applied to registry offices.

7. That where any person is or shall be authorised to administer oaths for the High Court of Chancery, such person is and shall be authorised to administer oaths for all suits and matters whatsoever in the Chancery of the County Palatine of

Lancaster; and where any plea, answer, affidavit, or other document whatsoever is or shall be receivable in evidence in the High Court of Chancery, the same shall be in like manner receivable in the said court of the County Palatine.

8. The term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the custody of the Great Seal for the time being.

#### CAP. LXXIX.

An Act for making sundry Provisions with respect to Municipal Corporations in England. [15th August, 1853.]

#### CAP. LXXX.

An Act to facilitate Procedure in the Sheriff Courts in Scotland. [15th August, 1853.]

#### CAP. LXXXI.

An Act to reduce the Salary and Emoluments of the Registrar of Meetings of the Court of Bankruptcy. [15th August, 1853.]

#### CAP. LXXXII.

An Act to provide for the future Regulation and Management and the permanent Endowment of "The College of Christ of Brecknock," founded by King Henry VIII, with permissive Powers to unite the same with St. David's College. [15th August, 1853.]

#### CAP. LXXXIII.

An Act to amend an Act of the 14 & 15 Vict. c. 99. [20th August, 1853.]

- Sect. 1. *Husbands and Wives of Parties to be admissible Witnesses.*  
 2. *Except in Criminal Cases and in Cases of Adultery.*  
 3. *Husbands and Wives not compelled to disclose Communications.*  
 4. *So much of Sect. 1 of the 6 & 7 Vict. c. 85, as relates to Husbands and Wives, repealed.*  
 5. *Short Title.*  
 6. *Commencement of Act.*

Whereas the law touching evidence requires further amendment: be it therefore enacted &c. as follows:—

Sect. 1. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

2. Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding, or in any proceeding instituted in consequence of adultery.

3. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

4. So much of sect. 1 of the 6 & 7 Vict. c. 85, as provides that the said act shall not render competent the husband or wife of any party to any suit, action, or proceeding individually named in the record, or of any lessor of the plaintiff or of the tenant of premises sought to be recovered in ejectment, or of the landlord or other person in whose right any defendant in replevin may make cognisance, or of any lessor in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, is hereby repealed.

5. In citing this act in other acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression, "The Evidence Amendment Act, 1853."

6. This act shall commence on the 11th July, 1853.

## CAP. LXXXIV.

An Act to amend the Passengers Act, 1852, so far as relates to the Passages of Natives of Asia or Africa, and also Passages between the Island of Ceylon and certain Parts of the East Indies. [20th August, 1853.]

## CAP. LXXXV.

An Act for removing Doubts as to the Powers of the Registrar of her Majesty's Privy Council to administer Oaths, and for providing for the Performance of the Duties of such Registrar in his Absence. [20th August, 1853.]

- Sect. 1. *Registrar may examine Witnesses upon Oath.*  
 2. *President of the Council may appoint a Person to act for Registrar in his Absence.*  
 3. *Saving of the existing Powers of her Majesty, her Council, and the Judicial Committee.*

Whereas doubts are entertained as to the extent of the powers of the Registrar of her Majesty's Privy Council appointed under an act of the 3 & 4 Will. 4, [c. 41], intitled "An Act for the better Administration of Justice in his Majesty's Privy Council," for taking evidence and administering oaths: and whereas it would be for the public convenience if such Registrar were empowered to take affidavits and other evidence and administer oaths in all matters pending before her Majesty in Council or before the Judicial Committee of the Privy Council, and if provision were made for the appointment of a person to act in the absence of such Registrar: be it therefore enacted &c. as follows:—

Sect. 1. It shall be lawful for the Registrar for the time being of her Majesty's Privy Council appointed under the said act, or such other person or persons as shall be appointed for this purpose by her Majesty in Council or by the said Judicial Committee, to examine witnesses and take affidavits and depositions upon oath in all appeals, causes, and matters whatsoever pending before her Majesty in Council or before the said Judicial Committee, and to administer oaths accordingly.

2. In case of the absence of the said Registrar it shall be lawful for the President of her Majesty's Privy Council to appoint a person to act for the said Registrar during such absence, and such person while so acting shall have the same powers in all respects as are vested in the said Registrar.

3. Nothing herein contained shall be taken to affect the power of her Majesty, under the said act or otherwise, to direct or limit the duties to be performed by the said Registrar, or any other authority which might have been exercised by her Majesty or by her Privy Council or the said Judicial Committee in case this act had not been passed.

## CAP. LXXXVI.

An Act to remove Doubts as to the Rights of the liberated Africans in Sierra Leone. [20th August, 1853.]

## CAP. LXXXVII.

An Act to give to the Commissioners of her Majesty's Works and Public Buildings extended Time and further Powers for completing the Embankment of the River Thames, between Vauxhall and Battersea Bridges, and a new street from Lower Sloane-street in Connexion therewith. [20th August, 1853.]

## CAP. LXXXVIII.

An Act to repeal the Duties payable in respect of Horses let for Hire, and to grant new Duties on Licenses to let Horses for Hire. [20th August, 1853.]

## CAP. LXXXIX.

An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland. [20th August, 1853.]

## CAP. XC.

An Act to repeal certain Duties of Assessed Taxes, and to grant other Duties of the same Description; and to amend the Laws relating to the Application of the Monies arising from the Redemption and Purchase of the Land-tax. [20th August, 1853.]

## CAP. XCI.

An Act to extend for a Time limited the Provision for Abatement of Income-tax in respect of Insurances on Lives. [20th August, 1853.]

## CAP. XCII.

An Act to diminish the Number of Sheriffs in Scotland, and to unite certain Counties in Scotland in so far as regards the Jurisdiction of the Sheriff. [20th August, 1853.]

## CAP. XCIII.

An Act to enable Burghs in Scotland to maintain and improve their Harbours. [20th August, 1853.]

## CAP. XCIV.

An Act to extend the Benefits of the Act of the 11 & 12 Vict. for the Amendment of the Law of Entail in Scotland. [20th August, 1853.]

## CAP. XCV.

An Act to provide for the Government of India. [20th August, 1853.]

Sect. 1. Until Parliament shall otherwise provide, the British territories in India to be continued under the government of the company, subject to the provisions of this act.

2. After the second Wednesday in April, 1854, there shall be eighteen directors of the company.

3. Her Majesty to appoint three of the first directors for two, four, and six years. Directors appointed by her Majesty to be persons who shall have served ten years in India.

4. The present directors and the directors out by rotation to appoint from their own body fifteen of the first directors under this act, five for two years, five for four years, and five for six years.

5. Upon the happening of casual vacancies, number of directors appointed by the Crown to be increased to six; those not so appointed to be reduced to twelve.

6. Vacancies among directors, how to be filled up.

7. Ordinary term of office of directors to be six years, and directors re-eligible.

8. Term of office of directors to expire, and biennial elections to be holden, on the second Wednesday in April.

9. Six of the directors not appointed by the Crown to be persons who shall have served ten years in India.

10. Qualification of a director as respects the possession of East Indian Stock; 1000*l.* to be a qualification. Director before acting to make a declaration.

11. Directors appointed by her Majesty may sit in Parliament.

12. The authority of the present directors to cease on the second Wednesday of April, 1854.

13. Directors before acting to take the oath herein named.

14. Quorum of general courts of the company.

15. The provisions of the 3 & 4 Will. 4, c. 85, for creating a Presidency of Agra, which has been suspended by the 5 & 6 Will. 4, c. 52, to remain so until the same be revoked.

16. A separate Governor may be appointed for the Presidency of Bengal; in the meantime a Lieutenant-Governor may be appointed.

17. Power to directors to create one new Presidency, or to authorise Governor-General to appoint a new Lieutenant-Governorship.

18. Power to alter from time to time the limits of Presidencies and Lieutenant-Governorships.

19. The enactments as to existing Presidencies to extend to new Presidencies.

20. All appointments of members of council to be subject to the approbation of her Majesty.

21. Provision of the 3 & 4 Will. 4, c. 85, excluding the fourth ordinary member of council from certain meetings, repealed.

22. Legislative councillors added to the Council of India for making laws and regulations. Legislative councillors to vote only at meetings for making laws and regulations.

23. Appointment of a Vice-President of Council to preside at meetings in absence of Governor-General; quorum for legislative business.

24. Governor-General's assent to be requisite to the validity of laws.

25. Time for meeting of council with new legislative councillors to be fixed by Governor-General by proclamation.
26. No law or regulation of Governor-General in Council invalid by reason of the same affecting any prerogative of the Crown.
27. All fines, penalties, &c. to belong to the East India Company.
28. Recital of provisions of the 3 & 4 Will. 4, c. 85, as to appointment of Indian Law Commissioners. Her Majesty may appoint Commissioners in England to consider and report on the reforms proposed by the Indian Law Commissioners.
29. Advocate-General to be approved by Board of Control.
30. Commander-in-Chief of her Majesty's forces to be Commander-in-Chief of the Company's forces.
31. Limit of European troops of the Company and of their troops in training at home extended.
32. Sick leave or furlough regulations may be extended as to residence out of the limits of the Company's charter.
33. Salary of President of Board of Control.
34. Yearly allowances to chairman, deputy chairman, and directors, instead of those now payable under bye-laws.
35. Salaries.
36. Provisions of the 53 Geo. 3, c. 155, and the 3 & 4 Will. 4, c. 85, repealed, and existing rights of patronage of appointments to cease.
37. Persons desirous of being admitted to Haileybury, or appointed assistant surgeons, to be admitted for examination.
38. Board of Control to make regulations. Regulations to be laid before Parliament.
39. Regulations as to admission to Haileybury and Addiscombe, and for examination of candidates.
40. Regulations as to admission into the civil and military service, and of assistant surgeons.
41. Persons qualified and entitled according to the regulations only to be appointed.
42. Board of Control to appoint examiners.
43. Commencement of act.

## CAP. XCVI.

An Act to amend an Act passed in the ninth Year of her Majesty, "for the Regulation of the Care and Treatment of Lunatics," [20th August, 1853.]

- Sect. 1. *Sect. 25 of recited Act repealed, and Provision as to what may be included in one License.*
2. *The Person or one of the Persons receiving a License to reside on the Premises.*
  3. *Sects. 45, 46, 47, 48, and 49 of the 8 & 9 Vict. c. 100, repealed.*
  4. *No Person not a Pauper to be received into a Hospital or licensed House without a certain Order and Certificates.*
  5.  *proviso that in certain Cases any Person may be received on a Certificate signed by one Medical Practitioner only.*
  6. *Any Person discharged may, with Assent of Visitors or Commissioners, be retained in licensed House, and a Relative or Friend may, with like Assent, be received therein.*
  7. *Paupers not to be received without a certain Order and Certificate.*
  8. *The like Order and Certificates for Reception of a single Patient as for Reception of a private Patient into a licensed House.*
  9. *Penalty on Officers, &c. ill-treating Lunatics.*
  10. *Medical Certificate to specify Facts upon which Opinion of Insanity has been formed.*
  11. *Orders and Medical Certificates may be amended.*
  12. *Who not to sign Certificates, &c.*
  13. *A Medical Man giving false Certificates, &c., and a Person not being a Medical Man giving Certificates as such, guilty of a Misdemeanour.*
  14. *Commissioners may permit Medical Visitation of any single Patient less frequently than once a Fortnight, but if Patient be in the Care of a Medical Man he is to make an Entry once a Fortnight as to Patient's Health.*
  15. *Visitors of licensed Houses may visit single Patients on Request of Commissioners.*

16. *Annual Report to be made to the Commissioners by every Medical Man visiting or having Charge of a single Patient.*
17. *Provisions concerning Discharge of Patients from licensed Houses by Relatives extended to single Patients.*
18. *Lord Chancellor, upon Report of Commissioners, may order Discharge, &c. of any single Patient.*
19. *On Recovery of a Patient, Notice to be given to Friends, and in the Case of a Pauper, to Guardians, &c., and in Default of Discharge or Removal, to Commissioners and Visitors. Provision in case of Death of Patient in any Hospital or licensed House.*
20. *Provision authorising Transfer of private and single Patients.*
21. *Notice of Discharge of single Patients to be sent to the Commissioners.*
22. *Provisions as to Change of Residence of Persons having Charge of single Patients, and temporary Removal of such Patients for Benefit of Health.*
23. *On Representation of Commissioners, Lord Chancellor may require Statement of Property of Lunatic detained for one Year.*
24. *Form of Notice of Admission.*
25. *Form of Medical Visitation Book.*
26. *Notice of Dismissal for Misconduct of Attendants to be sent to Commissioners.*
27. *Powers vested in Private Committee to be vested in the Commissioners.*
28. *Repeal of Sect. 111 of recited Act, and Provision as to Visitation of Workhouses.*
29. *Commissioners may in any special Case employ Persons to make the necessary Inquiries, and report to them thereon.*
30. *Regulations for Hospitals to be submitted to the Secretary of State.*
31. *Commissioners may make Regulations for the Government of licensed Houses.*
32. *Time at which Reports of Commissioners to the Lord Chancellor as to State of Asylums, &c. are to be made.*
33. *Provision for Payment of Persons employed to inspect Places where Lunatics are confined extended to Persons visiting under Sect. 112 of the 8 & 9 Vict. c. 100.*
34. *Penalty on Persons obstructing Execution of Orders of Lord Chancellor or Secretary of State made under Sects. 112 or 113 of recited Act, or of Commissioners made under this Act.*
35. *Sect. 116 of recited Act repealed, and Bethlehem Hospital to be subject to this Act.*
36. *Interpretation of Terms.*
37. *Recited Act and this Act to be construed as one Act, &c.*
38. *Act not to affect Provisions relating to Criminal Lunatics, 39 & 40 Geo. 3, c. 94, 1 & 2 Vict. c. 14, and 3 & 4 Vict. c. 54, save as herein provided.*
39. *Secretary to the Commissioners, if at the Time of his Appointment a practising Barrister of five Years' standing, eligible to be appointed a Commissioner.*
40. *Commencement of Act.*

Whereas an act was passed in the 8 & 9 Vict. [c. 100] "for the Regulation of the Care and Treatment of Lunatics:" and whereas it is expedient to amend the said act as herein-after mentioned: be it therefore enacted &c. as follows:—

Sect. 1. Sect. 25 of the said recited act shall be repealed, and any one license to be granted for the reception of lunatics may, in the discretion of the commissioners or justices granting such license, include two or more houses belonging to one proprietor or to two or more joint proprietors, provided that no one of such houses be separated from the other or others of them otherwise than by land in the same occupation, and by a road, or by either of such modes; and all houses, buildings, and lands intended to be included in any license shall be specified, delineated, and described in the plan required by sect. 24 of the said recited act.

2. No person having, after the passing of the said recited act, received for the first time a license for the reception of

lunatics, or hereafter receiving for the first time such license, shall receive a license unless he shall reside on the premises licensed; and no two or more persons having, after the passing of the said recited act, received for the first time a joint license for the reception of lunatics, or hereafter receiving for the first time such license, shall receive such license unless they or one of them shall reside on the premises licensed.

3. Sects. 45, 46, 47, 48, and 49 of the said recited act shall be repealed; but such repeal shall not prevent or defeat any prosecution for any offence committed before the commencement of this act, and every such offence shall and may be prosecuted, and every pending prosecution continued, as if this act had not been passed.

4. Save as hereinafter otherwise provided, no person (not being a lunatic) for or in respect of whom any money shall be paid or agreed to be paid shall be boarded or lodged in any licensed house; and, save where otherwise provided or authorised under this or any other act, no person (not being a pauper) shall be received as a lunatic into any licensed house or hospital without an order under the hand of some person according to the form in Schedule (A.) No. 1, annexed to this act, together with such statement of particulars as is contained in the same schedule, nor without the medical certificates, according to the form in Schedule (A.) No. 2, annexed to this act, of two persons, each of whom shall be a physician, surgeon, or apothecary, and shall not be in partnership with or an assistant to the other, and each of whom shall separately from the other have personally examined the person to whom the certificate signed by him relates not more than seven clear days previously to the reception of such person into such house or hospital; and such order as aforesaid may be signed before or after the medical certificates, or either of them; and every person who shall receive any such person as aforesaid into any such house or hospital as aforesaid (save where otherwise provided or authorised under this or any other act) without such order and medical certificates as aforesaid shall be guilty of a misdemeanour.

5. Provided always, that any person (not a pauper) may, under special circumstances preventing the examination of such person by two medical practitioners as aforesaid, be received as a lunatic into any licensed house or any hospital upon such order as aforesaid, and with the certificate of one physician, surgeon, or apothecary alone, provided that the statement accompanying such order set forth the special circumstances which prevent the examination of such person by two medical practitioners; but in every such case two other such certificates shall, within three clear days after his reception into such house or hospital, be signed by two other persons, each of whom shall be a physician, surgeon, or apothecary, not in partnership with or an assistant to the other, or the physician, surgeon, or apothecary who signed the certificate on which the patient was received, and not connected with such house or hospital, and shall within such time, and separately from the other of them, have personally examined the person so received as a lunatic; and every person who, having received any person as a lunatic into any house or hospital as aforesaid upon the certificate of one medical practitioner alone as aforesaid, shall keep or permit such person to remain in such house or hospital beyond the said period of three clear days without such further certificates as aforesaid shall be guilty of a misdemeanour.

6. Provided also, that it shall be lawful for the proprietor or superintendent of any licensed house, with the previous assent in writing of two of the commissioners, such assent not to be given until after such commissioners have, by personal examination of the patient, satisfied themselves of his desire to remain, to entertain and keep in such house as a boarder any person who may have been discharged as a patient from such house for such time after such discharge as he may desire to remain, not exceeding the time specified in such assent, and also, for the benefit of any patient in such house, and with the previous assent in writing of two of the commissioners, to receive and accommodate as a boarder therein, for a time to be specified in the assent, any relative or friend of such patient; and any two of the commissioners may from time to time, by any writing under their hands, extend or revoke any such assent as aforesaid; and every such patient so retained after discharge, and every such relative or friend so accommodated, shall, if required, be produced to the commissioners and visitors respectively at their respective visits.

7. Save where otherwise provided or authorised under any act, no pauper shall be received into any licensed house or any hospital without an order according to the form in Schedule (B.) No. 1, annexed to this act, under the hand of one justice, or under the hands of an officiating clergyman, and the relieving officer or one of the overseers of the union or parish from which such pauper shall be sent, together with such statement of particulars as is contained in the same schedule, nor without the medical certificate, according to the form in Schedule (B.) No. 2, annexed to this act, of a physician, surgeon, or apothecary, who shall have personally examined the pauper to whom it relates not more than seven clear days previously to his reception; and every person who shall receive any pauper into any such house or hospital as aforesaid (save where otherwise provided or authorised under any act) without such order and medical certificate as last aforesaid shall be guilty of a misdemeanour: provided always, that this enactment shall not by implication or otherwise give any power or authority to make such order, or extend, alter, or affect any power or authority expressly given by any act to any justice, officiating clergyman, relieving officer, or overseer to make or join in making any such order, or any provisions giving or relating to such power or authority.

8. Where, under sect. 90 of the said recited act, the like order and medical certificates are required on the reception or taking the charge or care of any one person as a lunatic or alleged lunatic as are thereinbefore required on the reception of a patient (not being a pauper) into a licensed house, the like order and medical certificates (in lieu of those required as first aforesaid) shall hereafter be required on the reception or taking the charge or care of any such person as are by this act required on the reception of a patient (not being a pauper) into a licensed house.

9. If any superintendent, officer, nurse, attendant, servant, or other person employed in any registered hospital or licensed house, or any person having the care or charge of any single patient, or any attendant of any single patient, in any way abuse, or ill-treat, or wilfully neglect any patient in such hospital or house, or such single patient, or if any person detaining, or taking or having the care or charge, or concerned or taking part in the custody, care, or treatment, of any lunatic or person alleged to be a lunatic, in any way abuse, ill-treat, or wilfully neglect such lunatic or alleged lunatic, he shall be guilty of a misdemeanour, and shall be subject to indictment for every such offence, or to forfeit for every such offence, on a summary conviction thereof before two justices, any sum not exceeding 20*l*.

10. Every physician, surgeon, and apothecary signing any certificate under or for the purposes of this act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic, an idiot, or a person of unsound mind, and distinguish in such certificate facts observed by himself from facts communicated to him by others; and no person shall be received into any registered hospital or licensed house, or as a single patient, under any certificate which purports to be founded only upon facts communicated by others.

11. If after the reception of any lunatic it appear that the order or the medical certificate, or (if more than one) both or either of the medical certificates, upon which he was received, is or are in any respect incorrect or defective, such order and medical certificate or certificates may be amended by the person signing the same at any time within fourteen days next after the reception of such lunatic: provided nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of one or more of the commissioners.

12. No physician, surgeon, or apothecary who, or whose father, brother, son, partner, or assistant, is wholly or partly the proprietor of, or a regular professional attendant in, a licensed house or a hospital, shall sign any certificate for the reception of a patient into such house or hospital, and no physician, surgeon, or apothecary shall himself, or by his servants or agents, receive to board or lodge in any unlicensed house, or take the charge or care of any person upon or under any medical certificate signed by himself or his father, brother, son, partner, or assistant, and no physician, surgeon, or apothecary having (either before or after the passing of this act) signed any certificate for the reception of any person shall be the regular professional attendant of such person while under care



x charge under such certificate; and no physician, surgeon, or apothecary who, or whose father, brother, son, partner, or assistant, shall sign the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient.

13. Any physician, surgeon, or apothecary who shall sign any certificate, or do any other act (not declared to be a misdemeanour) contrary to any of the provisions herein contained, shall for every such offence forfeit any sum not exceeding 20*l.*; and any physician, surgeon, or apothecary who shall falsely state or certify anything in any certificate under this act, and any person who shall sign any certificate under this act in which he shall be described as a physician, surgeon, or apothecary, not being a physician, surgeon, or apothecary respectively within the meaning of this act, shall be guilty of a misdemeanour.

14. It shall be lawful for the commissioners, by an order under their common seal, where they see fit so to do, to permit the visitation of any single patient by a physician, surgeon, or apothecary less frequently than once in every two weeks, as required by sect. 90 of the recited act, and to prescribe from time to time how often any single patient shall be visited by such a physician, surgeon, or apothecary as therein mentioned; but where such visitation of any single patient so often as once in every two weeks is so dispensed with, and such patient is in the care or charge of a physician, surgeon, or apothecary, such physician, surgeon, or apothecary shall once at the least in every two weeks make an entry in a book to be kept for that purpose, to be called "The Medical Journal," of the condition of the patient's health, both mental and bodily, together with the date of such entry, and such book shall be produced to the visiting commissioner on every visit, and shall be signed by him as having been so produced, and every such physician, surgeon, or apothecary who shall make an untrue entry in the said book shall be guilty of a misdemeanour.

15. It shall be lawful for one or more of the visitors appointed in or for any county or borough under the said recited act, upon the request in writing of the commissioners, or any two of them, under their hands, so to do, to visit any person detained in any unlicensed house in such county or borough as a single patient, and to inquire into and report to the commissioners on the treatment and state of health, bodily and mental, of such patient, and to inspect the order and certificates on which such person was received; and the provisions of the said recited act for and concerning the remuneration or payment of any such visitor, being a physician, surgeon, or apothecary, in respect of the execution of the duties of that act, and for the payment of the costs, charges, and expenses incurred by any visitor in proceedings under that act, shall extend and be applicable to and for the remuneration or payment of any visitor, being a physician, surgeon, or apothecary, visiting as aforesaid any single patient, and to and for the payment of the costs, charges, and expenses incurred by any visitor in or about such visit as aforesaid.

16. Every physician, surgeon, and apothecary who visits any single patient, or under whose care or charge any single patient shall be, shall on the 10th January, or within seven days from that time, in every year, report in writing to the commissioners the state of health, bodily and mental, of such patient, with such other circumstances as he may deem necessary to be communicated to the commissioners; and it shall be lawful for the commissioners, at any other time and from time to time as they see occasion, to call for and require from any such physician, surgeon, or apothecary a report in writing relative to any single patient visited by him or under his care or charge, in such form and specifying such particulars as the commissioners may direct.

17. The provisions contained in sects. 72 and 73 of the said recited act for the discharge of patients (not being paupers) from licensed houses shall extend and be applicable to and for the discharge of any single patient: provided always, that this enactment shall not extend to authorise the discharge of any single patient, if the physician, surgeon, or apothecary who has the care or charge of or visits such patient certify in writing under his hand that in his opinion such patient is dangerous, and unfit to be at large, together with the grounds on which such opinion is founded, unless one of the commissioners shall consent in writing to the discharge of such patient.

18. It shall be lawful for the Lord Chancellor, upon the report of the Commissioners in Lunacy, to order the discharge

of any person received or detained as a single patient, or to give such orders and directions in reference to such patient as the Lord Chancellor shall think fit; and any person detaining any such patient for the space of three days after a copy of such order for his discharge shall have been served on him, or left at the house in which such person so ordered to be discharged is detained, shall be guilty of a misdemeanour.

19. The superintendent or proprietor of every registered hospital and licensed house, and every person having the care or charge of any single patient, shall forthwith, upon the recovery of any patient in such hospital or house, or of such single patient, transmit notice of such recovery in the case of a patient not a pauper to the person who signed the order for his reception, or by whom the last payment on account of such patient was made, and in the case of a pauper, to the guardians of his union or parish, or if there be no such guardians, to one of the overseers of the poor of his parish, or if such pauper be chargeable to any county, to the clerk of the peace thereof; and in case such patient be not discharged or removed within fourteen days from the giving of such notice, such superintendent, proprietor, or person as aforesaid shall immediately after the expiration of such period transmit notice of the recovery of such patient to the commissioners, and also, in the case of a licensed house within the jurisdiction of any visitors, to the clerk of such visitors, with the date of the notice firstly in this enactment mentioned, and where notice is so given to the clerk of any visitors he shall forthwith communicate the same to the visitors, or two of them, one of whom shall be a physician, surgeon, or apothecary; and in case of the death of any patient in any hospital or licensed house, a statement setting forth the time and cause of the death, and the duration of the disease of which such patient died, shall be prepared and signed by the medical person or persons who attended the patient during the illness which terminated in death, and such statement shall be entered in the "Case Book," and a copy of such statement, certified by the superintendent or proprietor, shall, within two days of the date of the death, be transmitted to the coroner for the county or borough, and in case such coroner, after receiving such statement, shall think that any reasonable suspicion attends the cause and circumstances of the death of such patient, he shall summon a jury to inquire into the cause of such death.

20. Any person, having authority to order the discharge of any patient (not being a pauper) from any asylum, registered hospital, or licensed house, or of any single patient, may, with the previous consent in writing of two of the commissioners, direct, by an order in writing under his hand, the removal of such patient to any asylum, registered hospital, or licensed house, or to the care or charge of any person mentioned or named in such order; and every such order and consent shall be made and given respectively in duplicate, and one of the duplicates shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or house from which the patient is ordered to be removed, and the other duplicate shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or house into which or the person into whose care or charge the patient is ordered to be removed; and such order for removal, together with such consent in writing, shall be a sufficient authority for the removal of such patient, and also for his reception into the asylum, registered hospital, or licensed house into which or by the person into whose care or charge he is ordered to be removed: provided always, that a copy of the order and certificates upon which such patient was received into the asylum, hospital, or house from which he is removed, or as a single patient, by the person from whose care he is removed, certified under the hand of the superintendent or proprietor of such asylum, hospital, or house, or of such person as last aforesaid, to be a true copy, shall be furnished by him free of expense, and shall be delivered, with one duplicate of the said order of removal and consent, to the superintendent or proprietor of the asylum, hospital, or house to which or to the person to whose care or charge such patient is removed.

21. Every person from whose care or charge any single patient shall be discharged shall transmit to the commissioners a written notice of such discharge within the like period, and under the like penalty for default, as by the said recited act is required and provided in the case of the discharge of a patient from a licensed house.

22. It shall be lawful for any person having the care or charge of a single patient to change his residence, and remove such patient to any new residence of such person in England, provided that seven clear days before such change of residence he give notice in writing thereof, and of the place of such new residence, to the commissioners and to the person who signed the order for the reception of such patient, or by whom the last payment on account of such patient was made: and it shall be lawful for any person having the care or charge of any single patient, having first obtained the consent of two of the commissioners, to take or send such patient, under proper control, to any specified place or places, for any definite time, for the benefit of his health: provided always, that before any such consent shall be given, the approval in writing of the person who signed the order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such commissioners, unless they shall, on cause being shewn, dispense with the same.

23. Where any person has already been received as a lunatic under order and certificates, and shall be detained thereunder, and where any person shall hereafter be in like manner received and detained, and the commissioners represent to the Lord Chancellor that it is desirable that the extent and nature of his income should be ascertained, and the application thereof, the Lord Chancellor may, if he think fit, through the Registrar in Lunacy, require that the person signing the order, or other the person paying for the care and maintenance of the lunatic or having the management of the property, shall transmit to the Lord Chancellor a statement in writing, to the best of his knowledge, of the particulars of the property and income of the lunatic and of the application of the income.

24. The notice of admission and statement mentioned or referred to in sect. 52 of the said recited act shall hereafter be according to the form mentioned in Schedule (C.) annexed to this act, in lieu of the form set forth in Schedule (F.) to the said recited act; and such statement shall be signed by the medical superintendent, proprietor, or attendant of the hospital or licensed house from which the same is sent, and the said notice and statement shall be accompanied by a copy of the several documents mentioned in the said notice.

25. The medical visitation book mentioned in sect. 59 of the said recited act shall henceforth be kept in the form set forth in Schedule (D.) annexed to this act, in lieu of the form set forth in Schedule (H.) to the said recited act; and the said section shall be construed as if the particulars mentioned in the several heads of the said form in the said Schedule (D.) had by the said section been required to be entered in the said book in lieu of the particulars mentioned in the said section.

26. The superintendent or proprietor of every registered hospital or licensed house shall, within one week after the dismissal for misconduct of any nurse or attendant employed in such hospital or house, transmit to the commissioners, by the post, information in writing under his hand of such dismissal, and of the cause thereof; and every superintendent or proprietor neglecting to transmit such information to the commissioners within the period aforesaid shall for every such offence forfeit any sum not exceeding 10*l*.

27. Sect. 89 of the said recited act, constituting from among the commissioners a private committee for the purposes in the said act mentioned, shall be repealed, and all the powers vested in, and all the provisions of the said act applicable to, the said private committee, or one or two members thereof, shall be vested in and be applicable to the commissioners, or one commissioner, or two commissioners, (as the case may require), as if, where in the said act the said private committee, or one member or two members thereof, (as the case may be), is or are mentioned or referred to, the commissioners, or one commissioner, or two commissioners, (as the case may require), had been mentioned or referred to, instead thereof.

28. Sect. 111 of the said recited act shall be repealed, and any one or more of the commissioners shall and may on such day or days, and at such hours in the day, and for such length of time as he or they shall think fit, visit all such parish and union workhouses in which there shall be or be alleged to be any lunatic as the commissioners shall by any resolution or resolutions of the board direct, and shall inquire whether the provisions of the law as to lunatics in such parish or union have been carried out, and also as to the dietary, accommoda-

tion, and treatment of the lunatics in such workhouses, and shall report in writing thereon to the Poor-law Board.

29. It shall be lawful for the commissioners, where, for any reasons to be entered upon the minutes of the board, any case appears to them specially to call for immediate investigation, to authorise and direct, by an order under their common seal, any competent person or persons to visit and examine and report to them upon the mental and bodily state and condition of any lunatic or alleged lunatic in any asylum, hospital, or licensed house, or of any pauper lunatic in a workhouse or elsewhere, or of any lunatic or alleged lunatic under the care or charge of any person as a single patient, and to inquire into and report upon any matters into which the commissioners are authorised to inquire; and every such person shall, for the special purposes mentioned in such order, have all the powers of a commissioner; and the commissioners may allow to every such person a reasonable sum for his services and expenses, such sum to be paid in manner provided by the said recited act with regard to expenses incurred by or under the authority of the commissioners in proceedings thereunder; but this enactment shall not be taken to exonerate the commissioners from the performance of any duty by law imposed on them.

30. The committee having the management or government of every registered hospital shall, within three months after the passing of this act, in the case of every hospital now registered, and within three months after the registration of every hospital hereafter to be registered under the said recited act, submit the existing regulations, or regulations to be framed by such committee, to one of her Majesty's Principal Secretaries of State for his approval, and any such committee may, with the like approbation, alter and vary such regulations as they think necessary; and all such regulations so approved shall be printed, abided by, and observed, and a copy thereof shall be sent to the commissioners, and another copy thereof kept hung up in the visitors' room of the hospital.

31. It shall be lawful for the commissioners, with the sanction and approbation of one of her Majesty's Principal Secretaries of State, from time to time to make regulations for the government of any house licensed for the reception of lunatics; and such regulations of the commissioners, or a copy thereof, shall be transmitted by their secretary to the proprietor or resident superintendent of every licensed house to which the same relate, and shall be abided by and observed therein.

32. The report required by sect. 88 of the said recited act to be made by the commissioners to the Lord Chancellor in the month of June in every year of the state and condition of the several houses, hospitals, asylums, and other places visited by them under that act, and of the care of the patients therein, and of such other particulars as they think deserving of notice, shall be made in or before the month of March in every year, and shall be made up to the end of the preceding year.

33. The provision in sect. 113 of the said recited act, for and concerning the payment for attendance and trouble of any person (not being a commissioner) employed under that enactment, and of the travelling or other expenses of any person so employed, and as to the fund out of which such payment is to be made, shall extend and be applicable to and in the case of any person (not being a commissioner) required to visit and examine any lunatic or supposed lunatic under sect. 112 of the said recited act.

34. Any person who wilfully obstructs the commissioners or any of them, or any other person authorised by an order in writing under the hand of the Lord Chancellor or her Majesty's Principal Secretary of State for the Home Department, pursuant to the provisions of sect. 112 or 113 of the said recited act, to visit and examine any lunatic or supposed lunatic, or to inspect or inquire into the state of any asylum, hospital, gaol, house, or place wherein any lunatic or person represented to be lunatic is confined or alleged to be confined, in the execution of such order, and any person who wilfully obstructs any person authorised under this act by any order of the commissioners to make any visit and examination or inquiry in the execution of such order, shall (without prejudice to any proceedings and in addition to any punishment to which such person obstructing the execution of such order would otherwise be liable) forfeit for every such offence any sum not exceeding 20*l*.

35. Sect. 116 of the said recited act shall be repealed, and the Royal Hospital of Bethlehem shall henceforth be subject to the provisions of the said recited act and of this act, in the

same manner as if the same had not been exempted from the said recited act, and shall be forthwith registered as an hospital accordingly, in pursuance of sect. 43 of the said recited act.

36. In the construction of the said recited act and of this act the words "physician," "surgeon," and "apothecary" shall respectively mean a physician, surgeon, and apothecary duly authorized or licensed to practise as such by or as a member of some college, university, company, or institution legally constituted and qualified to grant such authority or license in some part of the United Kingdom, or having been in practice as an apothecary in England or Wales on or before the 1st August, 1815, and being in actual practice as such physician, surgeon, or apothecary; the expression "officiating clergyman of the parish" shall include the chaplain of the workhouse of the same parish, or of the workhouse of the union to which such parish belongs; the expression "single patient" shall mean any person received or taken charge of as a lunatic under sect. 90 of the said recited act, or under such section as amended by this act; and the expression "attendant" shall mean any person, whether male or female, who shall be employed either wholly or partially in the personal care, control, or management of any lunatic in any registered hospital or licensed house, or of any single patient; and in the construction of this act the word "board," as used in relation to the Commissioners in Lunacy, shall mean any three or more of the commissioners assembled at a meeting convened in pursuance of sect. 16 of the said recited act, or holden under any order or rule for the time being in force made under sect. 70 of the said recited act for regulating the duties of the commissioners.

37. The said recited act and this act shall be construed together as one act, and a Queen's printers' copy of this act shall be bound up in the "Visitors' Book" of every hospital and licensed house together with the said recited act.

38. Nothing in this act shall affect the provisions of any of the following acts, (that is to say), an act of the session holden in the 39 & 40 Geo. 3, c. 94; an act of the session holden in the 1 & 2 Vict. c. 14; and an act of the session holden in the 3 & 4 Vict. c. 54, or any other provisions concerning criminal lunatics, save as hereinafter provided; (that is to say), it shall be lawful for one of her Majesty's Principal Secretaries of State to issue his warrant to remove or discharge any insane person who shall be in custody under the provisions of the said act of the 3 & 4 Vict. c. 54, provided it shall be duly certified to such Secretary of State, by two physicians or surgeons, that such insane person was harmless, and might be discharged from restraint as an insane person without danger to himself or to others, in like manner as if it had been certified to such Secretary of State that such person had become of sound mind, anything in the said act or any other act to the contrary thereof in anywise notwithstanding.

39. And whereas by the said recited act it is provided that every person to be appointed in the room of any commissioner, being a barrister of five years' standing at the bar and upwards, shall be a practising barrister of not less than five years' standing at the bar: and whereas it is expedient to amend the said provisions as hereinafter mentioned; the present or any future secretary to the commissioners, if at the time of his appointment to be such secretary he was or shall have been a practising barrister of not less than five years' standing at the bar, shall be eligible to be appointed a commissioner in the room of such commissioner as aforesaid.

40. This act shall commence and come into operation on the 1st November, 1853.

#### SCHEDULES TO THE FOREGOING ACT.

##### SCHEDULE (A.) No. 1—Sects. 4, 8.

###### Order for the Reception of a Private Patient.

I, the undersigned, hereby request you to receive A. B., a lunatic, [or an idiot, or a person of unsound mind], as a patient into your house, [or hospital.] Subjoined is a statement respecting the said A. B.

(Signed) Name.  
Occupation, (if any).  
Place of abode.  
Degree of relationship, (if any),  
or other circumstances of connexion with the patient.

Dated this — day of —, 18—.

To —, proprietor [or superintendent] of —, [describing the house or hospital by situation and name, (if any).]

##### Statement.

[If any particulars in this statement be not known, the fact to be so stated.]

Name of patient, with Christian name at length.  
Sex and age.  
Married, single, or widowed.  
Condition of life, and previous occupation, (if any).  
The religious persuasion, as far as known.  
Previous place of abode.  
Whether first attack.  
Age (if known) on first attack.  
When and where previously under care and treatment.  
Duration of existing attack.  
Supposed cause.  
Whether subject to epilepsy.  
Whether suicidal.  
Whether dangerous to others.  
Whether found lunatic by inquisition, and date of commission or order for inquisition.  
Special circumstances (if any) preventing the patient being examined, before admission, separately by two medical practitioners.

(Signed) Name.

[Where the person signing the statement is not the person who signs the order, the following particulars concerning the person signing the statement are to be added, viz.

Occupation, (if any).  
Place of abode.  
Degree of relationship, (if any), or other circumstances of connexion with the patient.]

##### SCHEDULE (A.) No. 2—Sects. 4, 5, 8, 10, 11, 12, 13.

###### Form of Medical Certificate.

I, the undersigned, [here set forth the qualification entitling the person certifying to practise as a physician, surgeon, or apothecary, ex. gra., being a Fellow of the Royal College of Physicians in London], and being in actual practice as a [physician, surgeon, or apothecary, as the case may be], hereby certify that I, on the — day of —, at —, [here insert the street and number of the house (if any) or other like particulars], in the county of —, separately from any other medical practitioner, personally examined A. B., of —, [insert residence and profession or occupation, (if any)], and that the said A. B. is a [lunatic, or an idiot, or a person of unsound mind], and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds, viz.

1. Facts indicating insanity observed by myself, [here state the facts.]
2. Other facts (if any) indicating insanity communicated to me by others, [here state the information, and from whom.]

(Signed)

Place of abode.

Dated this — day of —, 18—.

##### SCHEDULE (B.) No. 1—Sect. 7.

###### Order for the Reception of a Pauper Patient.

I, C. D., [or, in the case of a clergyman and relieving officer, &c., we, C. D. and E. F.], the undersigned, having called to my [or our] assistance a physician, [or surgeon, or apothecary, as the case may be], and having personally examined A. B., a pauper, and being satisfied that the said A. B. is a lunatic, [or an idiot, or a person of unsound mind], and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. as a patient into your house, [or hospital.] Subjoined is a statement respecting the said A. B.

(Signed) C. D.

A justice of the peace for the county, city, or borough of —, [or an or the officiating clergyman of the parish of —.]

(Signed) E. F.

The relieving officer of the union or parish of —, [or an overseer of the parish of —.]

Dated the — day of —, 18—.

To —, proprietor [or superintendent] of —, [describing the house or hospital.]

Statement.

[If any particulars in this statement be not known, to be so stated.]

- Name of patient, and Christian name at length.
- Sex and age.
- Married, single, or widowed.
- Condition of life, and previous occupation, (if any).
- The religious persuasion, as far as known.
- Previous place of abode.
- Whether first attack.
- Age (if known) on first attack.
- When and where previously under care and treatment.
- Duration of existing attack.
- Supposed cause.
- Whether subject to epilepsy.
- Whether suicidal.
- Whether dangerous to others.
- Parish or union to which the lunatic is chargeable.
- Name and Christian name and place of abode of nearest known relative of the patient, and degree of relationship, (if known).

I certify that, to the best of my knowledge, the above particulars are correctly stated.

(Signed)

Relieving officer, [or overseer.]

SCHEDULE (B.) No. 2.—Sects. 7, 10, 11, 12, 13.

Form of Medical Certificate.

I, the undersigned, [here set forth the qualification entitling the person certifying to practise as a physician, surgeon, or apothecary, ex gra., being a fellow of the Royal College of Physicians in London], and being in actual practice as a [physician, surgeon, or apothecary, as the case may be], hereby certify that I, on the — day of —, at —, [here insert the street and number of the house (if any) or other like particulars], in the county of —, personally examined A. B., of —, [insert residence and profession or occupation (if any)], and that the said A. B. is a [lunatic, or an idiot, or a person of unsound mind], and a proper per-

son to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds, viz.

1. Facts indicating insanity observed by myself, [here state the facts.]
2. Other facts (if any) indicating insanity communicated to me by others, [here state the information, and from whom.]

(Signed)

Place of abode.

Dated this — day of —, 18—.

SCHEDULE (C.)—Sect. 24.

Notice of Admission.

I hereby give you notice, that A. B. was admitted into this house [or hospital] as a private [or pauper] patient on the — day of —, and I hereby transmit a copy of the order and medical certificates [or certificate] on which he was received. [If a private patient be received upon one certificate only, the special circumstances which have prevented the patient from being examined by two medical practitioners to be here stated, as in the statement accompanying the order for admission.]

Subjoined is a statement with respect to the mental and bodily condition of the above-named patient.

(Signed)

Superintendent [or proprietor] of —.

Dated the — day of —, 18—.

Statement.

I have this day [some day not less than two clear days after the admission of the patient] seen and examined —, the patient mentioned in the above notice, and hereby certify that with respect to the mental state he [or she] —, and that with respect to bodily health and condition he [or she] —.

(Signed)

Medical proprietor [or superintendent, or attendant] of —.

Dated the — day of —, 18—.

SCHEDULE (D.)—Sect. 25.

Form of Medical Visitation Book.

Date.	Number and Class of Patients.				Patients who are, or since the last Entry have been, under Restraint, or in Seclusion, when, and for what Period, and Reasons, and, in Cases of Restraint, by what Means.				Patients under Medical Treatment, and for what (if any) bodily Disorder.		Deaths, Injuries, or Violence to Patients since the last Entry.
	Private.		Pauper.		Restraint.		Seclusion.		Males.	Females.	
	M.	F.	M.	F.	Males.	Females.	Males.	Females.			

CAP. XCVII.

An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in England. [20th August, 1853.]

Sect. 1. Stats. 8 & 9 Vict. c. 126; 9 & 10 Vict. c. 84; and 10 & 11 Vict. c. 43, repealed, but not to affect appointments, &c.

As to providing Asylums, and Appointment of Committees of Visitors.

2. Justices of county and borough not having a lunatic asylum to provide one, and justices of the county or recorder of the borough, at or before a certain time, to direct notice to be given of the intention to appoint a committee for that purpose.

3. Justices to appoint a committee to superintend the providing of an asylum, or to treat for uniting with some county, &c., or to effect one or other of such purposes.

4. Subscribers to any hospital empowered to appoint a committee to treat for uniting with any county or borough, &c.

5. Committees of visitors of existing asylums may enter into agreements to unite.

6. Saving where a committee is already appointed, or proceedings for the appointment of a committee have been commenced.

7. Justices of boroughs may contract with committees of visitors, &c. for reception of the pauper lunatics of the borough.

8. Boroughs now contributing to a county asylum deemed to have an asylum, but upon notice may separate from the county.

9. Every borough not having six justices, besides the recorder, to be annexed to the county, or one of the counties, in which it is situate, for the purposes of this act. Recorder to appoint two justices to be members of committee of visitors.

10. Boroughs neglecting to provide an asylum, or to contract for the care of their pauper lunatics, may be annexed by Secretary of State to the county. Justices of borough so annexed shall appoint two justices to be members of committee of visitors.

11. Powers of committees may be enlarged.

12. New committees to be appointed in lieu of committees which have ceased or shall hereafter cease to exist &c.

13. Notice for appointment of a committee given at a time

subsequent to that required by this act, and the appointment of such committee, to be valid.

14. Committees uniting to enter into agreement in the form in Schedule (A.)

15. Additional stipulations or conditions may be inserted in agreement, but not so as to subject acts of visitors to control of general or quarter sessions.

16. With consent of visitors, stipulations or conditions may be repealed.

17. Proportions of expenses and of visitors may be varied on any further union being effected.

18. As to payment and application of money paid towards prior expenses, or becoming repayable under agreement for further union.

19. Committees of justices to report agreement to quarter sessions, and the original to be delivered to clerk of the peace of the county or borough in which the asylum is situate, and a copy to the clerk of the peace of each other county and borough.

20. After agreement for uniting is reported, visitors to be elected for carrying the same into effect.

21. Committee authorised to superintend the erection of asylums to be deemed committee of visitors.

22. Visitors to be elected annually for asylums.

23. A separate committee of visitors to be appointed for every asylum. *Proviso.*

24. Meetings of visitors. Every committee to elect a chairman. Number of members to constitute a meeting. Questions how to be decided.

25. Clerk, on requisition of chairman or two visitors or of superintendent, to call meetings of visitors. Chairman may convene meetings.

26. Visitors to appoint a clerk.

27. Committee of visitors to continue until first meeting of new committee, and in default of election of new committee, to continue as if re-elected.

28. Provision for supplying vacancies in committees. Continuing members may act.

29. Secretary of State may require any county or borough not having an asylum to provide one.

30. Where accommodation of existing asylum is inadequate, additional asylum to be provided, or existing asylum enlarged.

31. When an asylum or additional asylum or accommodation is required, the visitors to procure and determine on plans and estimates, and to contract for the purchase of land and buildings, and for erecting &c. the necessary buildings. Contractors to give security. Contracts and orders to be entered in a book, to be deposited, and to be open to inspection. Visitors to report.

32. Power to visitors to purchase in consideration of a rent reserved.

33. Power for visitors to take a lease for rent.

34. Asylum may be erected beyond the limits of any county or borough, and justices of such county or borough may notwithstanding act therein.

35. Assessment to local rates not to be increased after purchase for the purposes of this or any former act.

36. Certain provisions of 8 & 9 Vict. c. 18, incorporated, and extended to authorities exchanges.

37. Provision for the appointment of new trustees of land purchased or acquired for asylum.

38. Visitors to order all ordinary repairs of asylums, provided they do not exceed 400*l.* per annum. As to payment of expenses of repairs, &c. No order for payment of money exceeding 100*l.* to be made unless notice has been given of the meeting at which the same shall be ordered.

39. Power of visitors, with consent of Secretary of State, to dissolve unions.

40. Power for visitors, with consent of Secretary of State, to sell or exchange lands and buildings. Application of purchase monies.

41. Visitors may, with consent of Secretary of State, get released from contracts.

42. Visitors empowered to contract for the reception of pauper lunatics into asylums of other counties or hospitals or licensed houses. Period of such contract limited. As to money payable under contract for reception of lunatics into any asylum.

43. When any asylum can accommodate more than the lunatics of the county or borough, visitors may order the admission of other lunatics.

44. No visitor to have any interest in any contract or agreement.

45. Plans, &c. to be submitted to Commissioners in Lunacy, and approved by Secretary of State.

#### *How Monies to be raised for providing Asylums.*

46. Provisions for raising monies required for the purposes of this act by county and borough rates.

47. Power for justices of counties and councils of boroughs to raise money by mortgage of the rates.

48. Power to Public Works Loan Commissioners to lend money for purposes of this act.

49. Provision for the payment of the interest on the mortgages, and of a portion of the principal in each year.

50. Provision to be made for paying money borrowed within a limited time, not exceeding thirty years.

51. Persons lending money on mortgage of rates, &c. not bound to give proof that notices have been given &c.

52. Power to raise money to pay off sums already borrowed.

#### *Regulation and Management of Asylums, and Appointment of Officers.*

53. Visitors to submit general rules to the Secretary of State, and, subject to such general rules, to make regulations and determine diet of lunatics.

54. Visitors to fix weekly rate to be paid for maintenance of each lunatic, not to exceed 1*s.* per week. If the rate be found insufficient, justices in quarter sessions may increase it.

55. Visitors to appoint a chaplain. Patients allowed the visits of any minister of their own persuasion. Visitors to appoint medical officer, clerk, and treasurer, and such other officers and servants as they think fit.

56. Clerk of asylum to transmit to Commissioners in Lunacy information of dismissal of attendants.

57. Visitors may grant superannuations to the superintendent, &c., not exceeding two-thirds of their salaries.

58. Clerk of the asylum to keep account of monies paid and received, and send abstract thereof annually to Secretary of State and Commissioners in Lunacy.

59. Treasurer to keep accounts.

60. Visitors to audit accounts.

61. Two visitors at least to visit once in every two months every asylum.

62. Annual reports to be made by committees of visitors to justices at quarter sessions, &c., and copies sent to Commissioners in Lunacy.

63. Lists of pauper patients in asylums to be made half-yearly and laid before visitors, and copies transmitted to clerks of the peace and Commissioners in Lunacy. Lists of private patients to be sent half-yearly to the commissioners.

64. Clerks of boards of guardians, and overseers where no guardians, to make annual returns of pauper lunatics.

65. Power for medical persons, guardians, and overseers of unions and parishes, to visit pauper patients of such unions and parishes confined in any asylum.

#### *Provisions concerning Visitation, Confinement, Removal, and Discharge of Lunatics.*

66. Every pauper lunatic not in an asylum, registered hospital, or licensed house, to be visited once a quarter by the medical officer of the parish or union, and lists of such lunatics to be sent to Commissioners in Lunacy.

67. Provision for sending pauper lunatics to asylums.

68. Provision as to lunatics wandering at large, not being properly taken care of, or being cruelly treated &c.

69. Power to justices to order payment of a fee to any physician, &c. called in to examine any person.

70. Penalties on medical officers, overseers, &c. omitting to give notice as aforesaid.

71. Penalty on relieving officers, overseers, and constables delaying to execute orders.

72. Orders of justices, &c. may extend to authorise reception into hospitals or licensed houses, but lunatics to be always sent to asylum, if circumstances permit.

73. No pauper to be received into any asylum without a certain order and certificate.

74. No person to be received into an asylum, except under the provisions of this act, without an order and two medical certificates.

75. Medical certificates to specify facts upon which opinion of insanity has been formed.

76. Who not to sign certificate for reception of a patient.
  77. Power to two visitors of any asylum, being justices, to order removal of pauper lunatics to or from such asylum.
  78. Pauper lunatics not to be received into any other than the county or borough asylum without indorsement of order by a visitor, and orders not compulsory on hospitals or licensed houses.
  79. Discharge of lunatics from asylums.
  80. Overseers and relieving officers to remove lunatics upon notice of discharge, and to be liable to a penalty for refusal or wilful neglect.
  81. Visitors may discharge a lunatic on the undertaking of a relative or friend that he shall no longer be chargeable, and shall be taken care of.
  82. Commissioners in Lunacy may order removal of lunatics.
  83. The person who signed the order for the reception of a private patient may order his discharge or removal.
  84. Provision where the person who signed the order for reception is dead or incapable of acting.
  85. Patient not to be discharged, where certified to be dangerous, without visitors' consent. Not to prevent transfer under control of an attendant.
  86. Provision authorising transfer of private and single patients.
  87. Orders and medical certificates may be amended.
  88. Persons received into asylums, &c. may be detained till removal or discharge, and in case of escape, may be retaken within fourteen days.
  89. Every clerk receiving a lunatic into an asylum to make an entry thereof, and to transmit a copy of the order and certificate of medical officer of the asylum to Commissioners in Lunacy.
  90. Weekly journal and "Case Book" to be kept in every asylum.
  91. Copies of entries made by commissioners visiting asylums to be sent to the office of commissioners.
  92. In case of the death of a lunatic, the cause of death to be stated, and sent to the registrar of deaths, the Commissioners in Lunacy, and relieving officer or overseers.
  93. Entries to be made of deaths, discharges, and removals, and notice given to the commissioners in case of the discharge, removal, escape, and recapture of every lunatic.
- As to the Expense of Maintenance and Removal, &c. of Pauper and other Lunatics.*
94. How justices are to proceed where it appears to them that the lunatic has property applicable to his maintenance.
  95. Every pauper lunatic to be chargeable to the parish from which he is sent till otherwise adjudged.
  96. Justices to make an order upon the officers of unions and parishes for maintenance of lunatics.
  97. Two justices may inquire into and adjudge the settlement of a lunatic, and order payment of maintenance, &c. accordingly.
  98. If settlement cannot be ascertained, a pauper lunatic may be made chargeable to the county.
  99. Provision for the reimbursement to a county of monies paid on account of a lunatic afterwards adjudged to belong to any parish.
  100. Justices to make orders out of their respective jurisdictions.
  101. Order for payment of charges of maintenance in asylums, &c. to extend to any asylum, &c. to which the lunatic may be removed.
  102. The costs of pauper lunatics who are irremovable to be borne by the parish wherein they were exempt from removal, or by the common fund in unions. Sect. 5 of 12 & 13 Vict. c. 103, repealed.
  103. Guardians and overseers may pay charges without orders of justices.
  104. Lunatic's property to be available for his maintenance.
  105. Liability of relations of pauper not to be affected.
  106. Persons aggrieved by refusal of an order may appeal to the sessions.
  107. Party obtaining order of adjudication to send copy thereof and statement of grounds to the parish or county affected.
  108. Appeal against order of adjudication.
  109. Copy of depositions to be furnished on application.
  110. No appeal if notice not given within a certain time after notice of order.

111. Grounds of appeal to be stated.
112. As to the sufficiency of statement of grounds of adjudication or appeal. Power to amend statement.
113. Power for Court to amend order on account of omission or mistake. *Proviso.*
114. Party making frivolous or vexatious statement of grounds liable to pay costs.
115. Party losing appeal to pay such costs as Court may direct.
116. Decisions of Courts upon hearing appeals to be final.
117. Abandonment of orders.
118. Provisions of this act as to expenses to extend to pauper lunatics sent to asylums under any other act, &c.
119. In cases of inquiries and appeals, guardians and officers interested to have access to the lunatic.
120. Expenses of the burial, removal, or discharge of a pauper.
121. Money ordered to be paid by any clerk, overseer, relieving officer, or treasurer, to be levied (in case of neglect to pay) by distress or action.

#### Miscellaneous.

122. Medical men signing false certificates, and persons not being medical men giving certificates as such, guilty of misdemeanour.
123. Penalty on officers or servants ill-treating lunatics.
124. Penalty on officers, &c. allowing lunatics to escape, or be at large without permission.
125. Visitors may sue and be sued in the name of their clerk, whose removal shall not abate action.
126. Secretary of Commissioners in Lunacy and clerks to visitors may prosecute for offences.
127. Penalties to be recovered in manner provided by the 11 & 12 Vict. c. 43. Application of penalties.
128. Power of appeal to the quarter sessions.
129. Council of every borough to exercise the same duties, &c. of erecting asylums as are conferred upon justices, &c.
130. Committee appointed by council to have same powers as committee of visitors.
131. Every city, town, liberty, &c., not being a borough within the meaning of this act, to be annexed to and rated as part of the county within which the same is situate.
132. Interpretation of terms.
133. Nothing to affect provisions of 39 & 40 Geo. 3, c. 94, 1 & 2 Vict. c. 14, or 3 & 4 Vict. c. 54, as to criminal lunatics.
134. Commencement of act.
135. Extent of act.
136. Short title.

#### CAP. XCVIII.

An Act for the further Relief of the Suitors of the High Court of Chancery. [20th August, 1853.]

- Sect. 1. Funds, the dividends of which have not been received for fifteen years, may be transferred to the Suitors' Fee Fund account.
2. Rights of suitors to stock or dividends transferred not to be affected, but to be satisfied out of the Suitors' Fee Fund.
3. Periodical investigations and transfers to be made of accounts, the dividends of which have not been received for fifteen years.
4. Dividends, &c. issued from monies placed out to provide for Chancery officers to be transferred to Suitors' Fee Fund.
5. Reduced stamp duties to be payable hereafter on powers of attorney, &c.
6. Stamp duties to be under the management of Commissioners of Inland Revenue.
7. Accountant-General may be empowered to act on powers of attorney in receipt of future monies.
8. Compensation allowances may be applied to making good monies improperly withheld or abstracted by parties entitled to such allowances.
9. Orders may be annulled or altered.
10. As to the term "Lord Chancellor."
11. Officers of the Court of Chancery, who were formerly officers of the Court of Exchequer, enabled to compute the period during which they were such officers for the purposes of retiring pensions.

(To be continued).

## London Gazette.

FRIDAY, SEPTEMBER 30.

## BANKRUPTS.

**PHILIP WESLEY HARDWICK**, Regent-st., Middlesex, dealer in ribbons, dealer and chapman, Oct. 12 at 2, and Nov. 8 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Sole & Co., 68, Aldermanbury.—Petition filed Sept. 29.

**WILLIAM GOODEN EDGHILL**, High-st., Southwark, Surrey, chinaman and tailor, dealer and chapman, Oct. 8 and Nov. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Gant, 37, Nicholas-lane, City.—Petition filed Sept. 29.

**WILLIAM JOLLY**, Bishop Stortford, Hertfordshire, currier, dealer and chapman, Oct. 11 at half-past 1, and Nov. 10 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Sowton, 6, Great James-street, Bedford-row.—Petition filed Sept. 29.

**JOHN CLIFFORD CULLUN**, Bromyard, Herefordshire, grocer, chemist and druggist, Oct. 15 and Nov. 5 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Badham, Bromyard; Motteram & Knight, Birmingham.—Petition dated Sept. 21.

## MEETINGS.

**Joseph Lee**, Dewsbury, Yorkshire, grocer, Nov. 8 at 12, District Court of Bankruptcy, Leeds, last ex.—**John Robertshaw**, Church, Lancashire, ironfounder, Nov. 11 at 12, District Court of Bankruptcy, Manchester, last ex.—**Francis Robinson**, Manchester, publican, Oct. 10 at 12, District Court of Bankruptcy, Manchester, last ex.—**James Pollitt** the younger, Manchester, packer, Nov. 4 at 12, District Court of Bankruptcy, Manchester, last ex.—**David Douglas**, Chorlton-upon-Medlock, Manchester, draper, Nov. 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 11 at 12, fin. div.—**T. W. Johnson**, Stockport, Cheshire, publican, Nov. 3 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 10 at 12, div.—**William Eccles**, Walton-le-Dale, Lancashire, cotton spinner, Nov. 3 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 10 at 12, fin. div.—**Godfrey Wentworth Wentworth**, **Robert Chaloner**, **Thomas Rishworth**, **Thomas Rishworth** the younger, and **John Hartley**, York, bankers, Oct. 13 at 11, District Court of Bankruptcy, Leeds, aud. ac. sep. est. of **Thomas Rishworth**.—**Wm. Naylor**, Mortimer-street, Cavendish-sq., Middlesex, glass manufacturer, Oct. 19 at half-past 12, Court of Bankruptcy, London, div.—**Thomas Rutherford**, Agnes-place, Waterloo-road, Surrey, merchant, Oct. 19 at 12, Court of Bankruptcy, London, div.—**Joshua Metcalfe**, Fenchurch-street, London, merchant, Oct. 21 at 1, Court of Bankruptcy, London, div.—**John K. Watts**, St. Ives, Huntingdonshire, scrivener, Oct. 21 at half-past 1, Court of Bankruptcy, London, div.—**Frederick Winch**, Margate, Kent, tailor, Oct. 21 at 12, Court of Bankruptcy, London, div.—**Henry Stone**, Edgeware-road, Middlesex, harness maker, Oct. 22 at 2, Court of Bankruptcy, London, div.—**Joseph Osborne**, Leigh, Essex, butcher, Oct. 22 at half-past 1, Court of Bankruptcy, London, div.—**Henry B. Raff**, Woolwich, Kent, wharfinger, Oct. 22 at 12, Court of Bankruptcy, London, div.—**James R. Collett**, Princes-street, Hanover-sq., Middlesex, milliner, Oct. 22 at 12, Court of Bankruptcy, London, div.—**William Thomas** the younger, Haworth, Yorkshire, worsted spinner, Oct. 21 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Elijah May**, Edgeware-road, Middlesex, straw-hat warehouseman, Oct. 22 at 1, Court of Bankruptcy, London.

To be granted, unless an Appeal be duly entered.

**Thomas Carter**, Preston, Lancashire, corn merchant.—**R. Cocker**, Hathersage, Derbyshire, needle manufacturer.

## PETITIONS ANNULLED.

**George Harrison**, Maidstone, Kent, coal merchant.—**C. J. Nelson**, Clifton and Bristol, apothecary.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**Thomas Taylor**, Birmingham, retail brewer, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—**W. Chance**, Birmingham, brewer, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—**H. Lee**, Birmingham, butcher, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—**Daniel O. Davies**, Merthyr Tydfil, Glamorganshire, tailor, Oct. 14 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—**Elizabeth Peck**, Merthyr Tydfil, Glamorganshire, eating-house keeper, Oct. 14 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—**Charles J. E. R. Archdeacon**, Southampton, Hampshire, naval instructor in the royal navy, on board the ship London, Oct. 25 at 10, County Court of Kent, at Sheerness.—**Abraham Moore**, Manchester, book-keeper, Oct. 17 at 11, County Court of Lancashire, at Manchester.—**John L. Welburn**, Kingston-upon-Hull, out of business, Oct. 14 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—**W. Hanger**, Melcombe Regis, Dorsetshire, tailor, Oct. 13 at 12, County Court of Dorsetshire, at Weymouth.—**Stanley Bates**, Canterbury, Kent, grocer's assistant, Oct. 12 at 10, County Court of Kent, at Canterbury.—**R. Russell**, Canterbury, Kent, superintending a business, Oct. 12 at 10, County Court of Kent, at Canterbury.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Nov. 11 at 10, before the CHIEF COMMISSIONER.

**John Wright**, Wembley-park, near Willesden, Harrow, Middlesex, farm bailiff.—**Robert J. Watts**, Clifton-street, Middlesex, solicitor.—**John George Shade**, Park-place, East-street, Walworth, Surrey, white leather finisher.—**Joseph H. Harper**, Albany-road, Old Kent-rd., Surrey, out of business.—**Joseph Edlin**, Barking, Essex, deputy parish clerk of Barking.—**James Cheesewright**, William-street, Hampstead-road, Middlesex, plasterer.

Nov. 25 at 10, before Mr. Commissioner MURPHY.

**Henry R. Sorrell**, Old Church-street, Paddington, Middlesex, out of business.—**John Bateman**, Lower Whitecross-st., London, painter on glass.—**Wm. Quinton Dutton**, Chiswick, Middlesex, chemist.

Saturday, Sept. 24.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.

**Samuel Liveridge**, Hall Bower, near Huddersfield, Yorkshire, out of business, No. 76,574 C.; **Lewis Pluright**, assignee.—**John Gray**, Callington, Cornwall, general dealer, No. 76,665 C.; **Joseph Levi**, assignee.—**John Nettleton** the elder, Ossett, Yorkshire, labourer, No. 76,964 C.; **Joseph Stringer**, assignee.—**G. Robins Featherstone**, Chatham, Kent, out of business, No. 76,991 C.; **Joseph Acworth**, assignee.—**Henry Hobday**, Folkestone, Kent, baker, No. 76,899 C.; **Sarah Stace**, assignee.—**George Birks**, Congleton, Cheshire, out of business, No. 76,818 C.; **William M'Curton**, assignee.—**Wm. Henry Brookes**, Wolverhampton, Staffordshire, commission agent, No. 76,624 C.; **William Shaw**, assignee.—**J. T. Heap**, Hulme, Manchester, out of business, No. 76,694 C.; **John Lavery**, assignee.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Durham, at DURHAM, Oct. 14.

**Thomas Bulmer**, Monkwearmouth, out of business.—**Ralph Barker**, Northgate, Darlington, shoemaker.—**J. B. Hodgson**, Hylton-ferry, near Sunderland, earthenware manufacturer.—**Thomas Cooke**, Ferry-hill, farmer.—**Elizabeth M. Alderson**, Durham, milliner.—**Robt. Brown**, Bishopwearmouth, cooper.—**Thos. John Dale**, Bishopwearmouth, draper's assistant.—**William Wilson**, Durham, cooper.



*At the County Court of Northumberland, at MORPETH, Oct. 14 at 10.*

*Wm. Coppin the younger, Blyth, Horton, out of business.*

*At the County Court of Somersetshire, at TAUNTON, Oct. 17.*

*Samuel Fry, Street, near Glastonbury, saddler.*

#### INSOLVENT DEBTOR'S DIVIDEND.

*Mary Avenell Napier, widow of the late John Philip Napier, major in the East India Company's establishment at Bombay, Oct. 14, at Crawcour's, Brompton-crescent, Brompton, Middlesex: 2s. 3½d. in the pound, (making, with former dividends, 20s.)*

#### TUESDAY, OCTOBER 4.

##### BANKRUPTS.

**JOHN MILES**, West Raynham, Norfolk, baker, Oct. 13 at 2, and Nov. 17 at 1, Court of Bankruptcy, London: Off. Am. Bell; Sols. Nichols & Doyle, 2, Verulam-buildings.—Petition filed Sept. 21.

**JOHN SCOTT**, Welbeck-street, Cavendish-sq., Middlesex, upholsterer's warehouseman, Oct. 17 at 1, and Nov. 17 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Kinsey, 20, Bloomsbury-square.—Petition filed Oct. 1.

**WILLIAM TUGWOOD**, Thame, Oxfordshire, linen and woollen draper, Oct. 14 and Nov. 19 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Sole & Co., 68, Aldermanbury, London.—Petition dated Oct. 1.

**WILLIAM BRADFORD**, Leigh, Worcestershire, butcher, dealer and chapman, Oct. 15 and Nov. 5 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Watkins, Worcester; E. & H. Wright, Birmingham.—Petition dated Sept. 24.

**JOHN STRACHAN**, Newcastle-upon-Tyne, common brewer and maltster, wine and spirit merchant, dealer and chapman, Oct. 14 at 1, and Nov. 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Swan & Burnup, Newcastle-upon-Tyne; Dunn & Sartees, 2, Raymond's-buildings, Gray's-inn, London.—Petition filed Sept. 29.

**JOSEPH SKAIFE**, Keighley, Yorkshire, corn miller, Oct. 20 and Nov. 10 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Dunning, Leeds.—Petition dated Sept. 29.

**JOSEPH GREENWOOD**, Keighley, Yorkshire, woolstapler, dealer and chapman, Oct. 14 and Nov. 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax; Courtenay, 21, Lincoln's-inn-fields, London.—Petition filed Sept. 27.

**JOSEPH FEVERELLE**, Liverpool, hardware dealer, cutler, and general dealer, Oct. 18 and Nov. 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Yates, Liverpool.—Petition filed Aug. 23.

##### METINGS.

*Sampson Langdale, John Eytton, and Maria Josefine Cooke, Newcastle-upon-Tyne, merchants, Nov. 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—John Tate, Darlington, Durham, iron merchant, Nov. 2 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.; at 1, aud. ac.—George Earnshaw, Ashton-under-Lyne, Lancashire, grocer, Oct. 17 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 23 at 12, div.—Ephraim Harris, Merthyr Tydvil, Glamorganshire, pawnbroker, Oct. 20 at 11, District Court of Bankruptcy, Bristol, aud. ac.—John Taylor, Newcastle-upon-Tyne, brewer, Oct. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Oct. 28 at 11, div.—Christopher Samuel Flood and Harry Buckland Lott, Honiton, Devonshire, bankers, Oct. 27 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 16 at 11, div.—William Witty, Louth, Lincolnshire, draper, Nov. 16 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; Nov. 16 at half-past 12, second and fin. div.—Joseph Ish Evans, Harrow-road, Paddington, Middlesex, clothier, Oct. 25 at 12, Court of Bankruptcy, London, div.—Andrew Fraser, Newcastle-upon-Tyne, corn merchant, Oct. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—James Brotherton, Liverpool, merchant, Oct. 27 at 11, District Court of Bankruptcy, Liverpool, div.*

##### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Cornish, Tiverton, Devonshire, grocer, Oct. 27 at 1, District Court of Bankruptcy, Exeter.—Robert Rutherford, St. John's, Newfoundland, merchant, Oct. 25 at 12, District Court of Bankruptcy, Manchester.*

*To be granted, unless an Appeal be duly entered.*

*Henry Stagg, Croydon, Surrey, grocer.—Charles Arnold, Watling-st., Cheapside, and Gracechurch-st., London, dealer in provisions.—John Danby, Wellington, Shropshire, grocer.—Thee. Cusson, Liverpool, coach builder.—John Marshall, Shipston-on-Stour, Worcestershire, corn dealer.—Richard Lathbury, Burton-upon-Trent, Staffordshire, grocer.—The. Kemp and Edmund Kemp, Stratford-upon-Avon and Felton Hersey, Warwickshire, painters.*

##### PARTNERSHIP DISSOLVED.

*Wm. Bernard Heaton, Bennett Brackenbury, and Joseph Guy, Gainborough, Lincolnshire, attorneys and solicitors, (so far as regards Joseph Guy).*

##### SCOTCH SEQUESTRATIONS.

*Wm. Stimpson, Glasgow, hotel keeper.—Donald Fraser Macpherson, Edinburgh, coal merchant.—Robert Barr, Glasgow, manufacturer.—Andrew Scott, Hope Park, near H. Wick, Roxburghshire, surveyor.—D. G. McLellan & Co., Glasgow, drapers.—Matthew Mather, Glasgow, doctor of medicine, and Budhill, near Glasgow, coal master.*

##### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Halloworth, Liverpool, shopkeeper's assistant, Oct. 10 at 10, County Court of Lancashire, at Liverpool.—H. C. Meyer, Liverpool, news-room keeper, Oct. 10 at 10, County Court of Lancashire, at Liverpool.—H. W. Salisbury, Topsham, Devonshire, master mariner, Oct. 18 at 10, County Court of Devonshire, at Exeter.—Wm. Small, Tipton, Staffordshire, bricklayer, Oct. 28 at 9, County Court of Worcestershire, at Dudley.—Joseph Nicholls, Sedgley, Staffordshire, boatman, Oct. 28 at 9, County Court of Worcestershire, at Dudley.—Thos. Millership the younger, Rowley Regis, Staffordshire, out of business, Oct. 28 at 9, County Court of Worcestershire, at Dudley.—Wm. G. Dight, Bridgewater, Somersetshire, carpenter, Oct. 25 at 9, County Court of Somersetshire, at Bridgewater.—Wm. F. Bubbings, Ludham, Norfolk, wheelwright, Oct. 20 at half-past 11, County Court of Norfolk, at North Walsham.—W. Perkins, Newark-upon-Trent, Nottinghamshire, grocer, Oct. 14 at 9, County Court of Nottinghamshire, at Newark.—Alfred Furbank, Newark, Nottinghamshire, grocer's assistant, Oct. 14 at 9, County Court of Nottinghamshire, at Newark.—Wm. Fraser, Seaton Sluice, Northumberland, cordwainer, Oct. 21 at 11, County Court of Northumberland, at North Shields.—John Cummings, Crofton, Horton, Northumberland, innkeeper, Oct. 21 at 11, County Court of Northumberland, at North Shields.—E. Carruthers, Carlisle, Cumberland, cabinet maker, Oct. 17 at 10, County Court of Cumberland, at Carlisle.—M. Mather, Carlisle, Cumberland, innkeeper, Oct. 17 at 10, County Court of Cumberland, at Carlisle.—J. H. Holgate, Kildwick, Yorkshire, out of business, Oct. 14 at 10, County Court of Yorkshire, at Skipton.—John Telfman, Ramsgate, Kent, plasterer, Oct. 11 at 10, County Court of Kent, at Ramsgate.—J. Colam, Louth, Lincolnshire, builder, Oct. 20 at 10, County Court of Lincolnshire, at Louth.—John Winter, Luck-lane Marsh, near Huddersfield, Yorkshire, labourer, Oct. 20 at 10, County Court of Yorkshire, at Huddersfield.*

##### Saturday, Oct. 1.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*R. J. Hibbs, Blissett-street, Greenwich, Kent, Lieutenant in the Royal Navy, No. 29,230 T.; S. Sturgis, new assignee; Joseph Cole, late one of the assignees, deceased; and William Murray, surviving assignee, unwilling to act.—C. A. Parker, Stanhope-street, Hampstead-road, Middlesex, in no profe-*

don, No. 63,363 T.; Wm. Marratt, new assignee; Benjamin Lamplough, late assignee, removed.—*Edmund John M'Gill*, St. Ann's-terrace, Royal-crescent, Kensington, Middlesex, tailor, No. 63,787 T.; Nicholas Rolfe, assignee.—*John F. Stephens*, Basinghall-street, London, warehouseman, No. 63,901 T.; N. S. Marling and W. T. Turner, assignees.—*Robert Cooper* the younger, Gloucester, out of business, No. 76,823 C.; Wm. Wesbey, assignee.—*B. Burgess*, Birmingham, plumber, No. 76,831 C.; Wm. Perks, jun., assignee.

Saturday, Oct. 1.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Wm. Stribling*, Northumberland-street, New-road, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Thos. C. Perkins*, St. James's-place, Old Kent-road, New-cross, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Charles Robinson*, Rutland-place, Copper-road, Albert-town, Stoke Newington, Middlesex, iron bedstead manufacturer: in the Debtors Prison for London and Middlesex.—*Henry Batterson*, Church-street, Kensington, Middlesex, commercial traveller: in the Debtors Prison for London and Middlesex.—*John Burden*, Carter-street, Walworth-road, Surrey, accountant: in the Debtors Prison for London and Middlesex.—*William S. Scott*, Gould-square, Crutched Friars, London, general agent: in the Debtors Prison for London and Middlesex.—*Edmund Pulluck*, Philpot-street, Commercial-road East, Middlesex, model maker: in the Debtors Prison for London and Middlesex.—*James Knar*, Harriet-place, New Church-road, Camberwell, Surrey, commission agent: in the Gaol of Horsemonger-lane.—*Wm. R. Foster*, Lower Mitcham, Surrey, carpenter: in the Gaol of Horsemonger-lane.—*Wm. Clough*, Ince, Cheshire, tailor: in the Gaol of Chester.—*John Perrott*, Tewkesbury, Gloucestershire, carrier by water: in the Gaol of Gloucester.—*William Cripps* the younger, Blyth, Northumberland, out of business: in the Gaol of Morpeth.—*R. B. Reed*, Heywood, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—*W. Boucock*, Davyhaune, near Stretford, Lancashire, out of business: in the Gaol of Lancaster.—*Isaac Dewille*, Chestwood, Manchester, out of business: in the Gaol of Lancaster.—*Chas. Byrnes*, Liverpool, out of business: in the Gaol of Lancaster.—*Wm. Bruce*, Liverpool, commission agent: in the Gaol of Lancaster.—*Joseph Stocks*, Kingston-upon-Hull, Yorkshire, out of business: in the Gaol of York.—*Hiram Moulton*, Little Horton-lane, near Bradford, Yorkshire, publican: in the Gaol of York.—*Jas. Clethro*, Sheffield, Yorkshire, tile manufacturer: in the Gaol of York.—*Wm. Howitt*, Leeds, Yorkshire, cloth dresser: in the Gaol of York.—*H. Standish*, Gravesend, Kent, wood turner: in the Gaol of Maidstone.—*Thomas Thornton*, Hunslett, near Leeds, Yorkshire, out of business: in the Gaol of York.—*Caleb Senior*, Castlegate, Yorkshire, out of business: in the Gaol of York.—*Joseph Richardson*, Barnby Moor, near Pocklington, Yorkshire, shoemaker: in the Gaol of York.—*J. Varley*, Longlands, Litch-wait, Almondbury, near Huddersfield, Yorkshire, woollen-cloth manufacturer: in the Gaol of York.—*John Lawson*, Clementhorpe, Yorkshire, bone crusher: in the Gaol of York.—*J. Broadhead*, Hepworth, near Holmfirth, Yorkshire, commission agent: in the Gaol of York.—*John Spencer*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*John Parkinson*, Blackburn, Lancashire, upholsterer: in the Gaol of Lancaster.—*T. Hopkinson*, Oldham, Lancashire, licensed victualler: in the Gaol of Lancaster.

The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Gloucestershire, at GLOUCESTER, Oct. 24 at 10.

*James Lewis*, Gloucester, commission agent for the sale of wines.

INSOLVENT DEBTOR'S DIVIDEND.

*Stephen Lyntott Palmer*, Canterbury, Kent, music teacher, at Walker's, solicitor, Canterbury: 9s. 0½d. in the pound.

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# The Jurist

No. 875—VOL. XVII. OCTOBER 15, 1853.

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LONDON, OCTOBER 15, 1853.

As the Quarter Sessions will be held throughout the country next week, a synopsis of recent decisions and statutes on the Criminal Law will doubtless be acceptable to our readers\*.

**Abduction.**—By the 9 Geo. 4, c. 31, s. 19, if any person, from motives of lucre, take away or detain an heiress against her will, with intent to marry or defile her, he is guilty of felony, and may be transported for life. By sect. 20, if any person unlawfully take or cause to be taken any unmarried girl under the age of sixteen out of the possession and against the will of her father or mother, he is guilty of a misdemeanour. By sect. 21, if any person maliciously, either by force or fraud, lead or take away, or decoy or entice away, or detain a child under the age of ten years, with intent to deprive the parents of the possession of such child, he is guilty

\* Our last review of this class of cases will be found ante, p. 89.

of felony, and may be transported for seven years, (changed to penal servitude by the 16 & 17 Vict. c. 99). We have been particular in giving the substance of these three sections, because a late case turned upon the language used in them, or rather upon the word "take" in the 20th section. It was contended that the taking must be without the girl's consent, and that if she voluntarily left her father with the abductor it was no offence; and certainly the expressions attributed to Parke, B., in *Reg. v. Meadows*, (1 Car. & K. 399), seemed capable of supporting this view. That case was, however, explained by Parke, B., on the present occasion, who, having referred to his notes of it, said, that, according to the facts, the girl and the prisoner ran away together, and there could not be said to be a taking out of the possession of the father. In the case now under consideration, the prisoner, having lodged at the father's house, and having told him he was going to emigrate to America, left the house, having persuaded the daughter (a girl between twelve and thirteen years) to join him by another road, and to go with him to America. They accordingly met, and travelled together in a covered van to London. The Court for Crown Cases Reserved held, first, that, comparing the three sections together, it was not necessary that the "taking" (in sect. 20) should be against the will of the girl. Parke, B., said, "The 19th section relates entirely to the party abducted; the 20th and 21st to those who have the custody or care of her." Secondly, it was decided that there was a taking from the possession of the father, who, although she had left

his house under these circumstances, yet had a general possession of her until the moment of the taking. Parke, B., said, "If she absolutely abandoned her father's possession, and the prisoner then took her away, it would not be within the statute; but if she abandoned the possession of her father, supposing the prisoner would be at a given point to take her away, that would be no complete determination of her father's possession; she would have returned to her father if the prisoner had not been there to take her to London." (*Reg. v. Mantelov*, 17 Jur., part 1, p. 352; 22 L. J., M. C., 115).

**Evidence.**—Upon the trial of a prisoner for setting fire to his own house, with intent to defraud an insurance office, notice to produce the policy was given to the prisoner in the middle of the day before the trial. His residence was thirty miles from the place of trial. The policy was not produced, and the Court held that secondary evidence of it was not admissible. (*Reg. v. Kitson*, 17 Jur., part 1, p. 422; 22 L. J., M. C., 118). The Court appear to have thought that the indictment itself was not sufficient notice.

Under this head we may refer to the case of *Reg. v. Stokes*, (17 Jur., part 1, p. 192), before Alderson, B., at the Essex Spring Assizes, in which, upon a policeman deposing to statements made by the prisoner in consequence of questions put by the witness, that learned judge said, "I am not one of those who think that policemen should be blind and deaf to all that prisoners do or say in their presence; but then they ought not, in general, to ask questions of prisoners, for we are not always certain that that is done fairly. It is a more difficult thing to ask questions than you imagine, and still more so to hear the answers, for, when you get an answer, you twist it in your own mind so as to make it bear on the guilt of the prisoner. You merely ask questions to compromise the man—not questions to let him off. If you do either, you should do both."

**False Pretences.**—The prisoner called on the prosecutrix, and asked her to subscribe to a burial club, which he said was strong and respectable, and had 7000*l.* in the bank. She, however, declined. A month afterwards he called again for the same purpose, and still said the club was strong and respectable, but did not repeat the statement respecting the money. It was held, on an indictment for false pretences, that the jury were at liberty to connect the two statements together as one continuing representation. (*Reg. v. Welman*, 17 Jur., part 1, p. 421; 22 L. J., M. C., 118).

**Husband and Wife.**—See *Receiving stolen Goods*.

**Indecent Exposure.**—The prisoner was indicted for an indecent exposure in an omnibus, several passengers being therein. The Court held an omnibus to be a sufficiently public place to support the indictment, and also that the stat. 14 & 15 Vict. c. 100, was no answer to the objection, that the Courts should have concluded *ad commune nocumentum*. (*Reg. v. Holmes*, 17 Jur., part 1, p. 562; 22 L. J., M. C., 122).

**Indictment.**—The question, whether several previous convictions may be alleged in one indictment, has been decided in the affirmative, Lord Campbell saying it was very useful to do so, as there might be no proof of identity in one case, when it would be necessary to resort to proof of another; and that it was also useful

to the judge, for the purpose of assisting him in meting out the proper punishment. (*Reg. v. Clark and Others*, 17 Jur., part 1, p. 582; 22 L. J., M. C., 135; 14 & 15 Vict. c. 19, s. 9).

**Larceny.**—A curious instance of the subtle distinctions which abound in this, the most common of all offences, was lately afforded in a charge against a man of having stolen gas. The prisoner inserted a connecting pipe into the entrance and exit pipes, thereby diverting the gas from the meter, and avoiding payment for the full quantity consumed. The entrance and exit pipes were the property of the prisoner, and therefore suggested the defence that the property and the possession of the gas were in him at the time of the offence. It was also contended that there was no asportation of the gas, and that as a penalty of 50*l.* was imposed for the offence, it was reduced below the grade of felony. The Court, however, held the punishment to be cumulative, and the fraudulent abstracting of the gas to amount to larceny. (*Reg. v. White*, 17 Jur., part 1, p. 536; 22 L. J., M. C., 123).

Another case is pending before the same Court, (*Reg. v. Reed*), in which, we understand, there is a difference of opinion whether the offence amounts to embezzlement or larceny. The prisoner was sent by his master with a horse and cart, containing empty sacks, (all the property of his master), to fetch some coals for his master, who had paid for them. They were put into the sacks, and the prisoner then wrongfully sold some of the coals.

**Parent and Child.**—In order to constitute a misdemeanour at common law, for parents neglecting to provide their infant children with necessary food or clothing, an *actual* injury to the health must be shewn, and proof that they must have suffered to some extent is not sufficient. (*Reg. v. Philpot*, 17 Jur., part 1, p. 399; 22 L. J., M. C., 113). It was proved that the prisoner had left her children without food or clothing, and remained absent three days and nights; that from their tender age the children were unable to provide for themselves; that the prisoner had the means of providing for them; and that but for the attention of a poor neighbour they must have suffered severely, and probably would have died from want of food, but that they did not actually suffer serious injury. It is to be regretted that the common law is unable to reach such a case as this; but the deficiency should be supplied by positive enactment; the criminality is the same whether the children actually suffer or not; it is mere chance, as far as the accused is concerned, whether the children so grossly neglected die or live.

**Perjury.**—In *Reg. v. Millard and Another* (17 Jur., part 1, p. 400; 22 L. J., M. C., 108) it was held that perjury might be assigned on evidence given before a magistrate, under the Malicious Trespass Act, 7 & 8 Geo. 4. c. 30, s. 24, although the information was not upon oath. It would be otherwise under the 30th section. As was said by Parke, B., "no magistrate can proceed without an information; but unless the statute requires that it should be in writing or upon oath, it need not be so."

**Receiving stolen Goods.**—A wife cannot be convicted of feloniously receiving goods stolen by her husband. (*Reg. v. Brooks*, 17 Jur., part 1, p. 490; 22 L. J., M. C., 121). This is in accordance with previous decisions to the effect that she cannot be accessory after the fact to any offence committed by her husband. It is here proper to remark, that the recent statute, 16 & 17 Vict. c. 83, (ante, p. 379), rendering husbands and wives competent witnesses for and against each other, does not apply to criminal cases. (Sect. 2). Another statute to be noticed here is the 16 & 17 Vict. c. 99, for abolishing transportation except in certain cases, and substituting various terms of penal servitude.

## PUBLIC GENERAL STATUTES.

16 &amp; 17 VICTORIA.—SESSION I.

(Continued from p. 388).

## CAP. XCIX.

An Act to substitute in certain Cases other Punishment in lieu of Transportation. [20th August, 1853.]

- Sect. 1. *No Person to be sentenced to Transportation, except for Life or for fourteen Years or upwards.*
2. *Sentence of Penal Servitude instead of Transportation for less than fourteen Years.*
3. *Persons liable to Transportation for fourteen Years or upwards or for Life may still be sentenced to Transportation, or to Penal Servitude instead.*
4. *Terms of Penal Servitude which are to be awarded instead of the present Terms of Transportation.*
5. *Conditional Pardons to be allowed with reference to the substituted Punishment, as in Cases of Pardons on Condition of Transportation.*
6. *Persons under Sentence or Order of Penal Servitude, how to be dealt with.*
7. *All Acts, &c. concerning Convicts sentenced to Transportation made applicable for the Purposes of this Act.*
8. *Powers of Secretary of State to be exercised in Ireland by Lord Lieutenant.*
9. *Her Majesty may grant Licenses to be at large to Convicts under Sentence of Transportation.*
10. *Holder of License not to be imprisoned, &c. by reason of his Sentence.*
11. *If License revoked, the Convict may be apprehended, and committed to Prison.*
12. *Persons convicted of Larceny after previous Conviction for Felony not to be transported.*
13. *Queen's Prerogative.*
14. *Discretion of Courts as to alternative Punishments not to be affected.*
15. *Transportation to include Banishment.*
16. *Commencement of Act.*

Whereas, by reason of the difficulty of transporting offenders beyond the seas, it has become expedient to substitute in certain cases other punishment in lieu of transportation: be it therefore enacted &c. as follows:—

Sect. 1. After the commencement of this act no person shall be sentenced to transportation who if this act had not been passed would not have been liable to be transported for life, or for a term of fourteen years or upwards; and no person shall be sentenced to transportation for any term less than fourteen years.

2. Any person who if this act had not been passed might have been sentenced to transportation for a term of less than fourteen years shall be liable, at the discretion of the Court, to be kept in penal servitude for such term as hereinafter mentioned.

3. Any person who if this act had not been passed might have been sentenced to transportation for a term of fourteen years or upwards or for life shall, after the commencement of this act, be liable, at the discretion of the Court, to be sentenced either to such transportation for fourteen years or upwards or for life, or to be kept in penal servitude for such term as under this act may be awarded instead of such transportation.

4. The terms of penal servitude to be awarded instead of the transportation to which any offender would have been liable if this act had not been passed shall be as follows, (that is to say),

Instead of transportation for seven years or for a term not exceeding seven years, penal servitude for the term of four years:

Instead of any term of transportation exceeding seven years and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years:

Instead of any term of transportation exceeding ten years and not exceeding fifteen years, penal servitude for any term not less than six and not exceeding eight years:

Instead of any term of transportation exceeding fifteen years, penal servitude for any term not less than six and not exceeding ten years:

Instead of transportation for the term of life, penal servitude for the term of life:

And in every case where, at the discretion of the Court, one of any two or more of the terms of transportation hereinbefore mentioned might have been awarded, the Court shall have the like discretion to award one of the two or more terms of penal servitude hereinbefore mentioned in relation to such terms of transportation.

5. Whenever her Majesty, or the Lord Lieutenant or other chief governor or governors of Ireland for the time being, shall be pleased to extend mercy to any offender convicted of any offence for which he may be liable to the punishment of death, upon condition of his being kept to penal servitude for any term of years or for life, such intention of mercy shall have the same effect and may be signified in the same manner, and all courts, justices, and others shall give effect thereto and to the condition of the pardon in like manner, as, in the cases where her Majesty, or the Lord Lieutenant or other chief governor or governors of Ireland for the time, is or are now pleased to extend mercy upon condition of transportation beyond seas, the order for the execution of such punishment as her Majesty, or the Lord Lieutenant or other chief governor or governors of Ireland for the time being, may have made the condition of her, his, or their mercy being substituted for the order for transportation.

6. Every person who under this act shall be sentenced or ordered to be kept in penal servitude may, during the term of the sentence or order, be confined in any such prison or place of confinement in any part of the United Kingdom, or in any river, port, or harbour of the United Kingdom, in which persons under sentence or order of transportation may now by law be confined, or in any other prison in the United Kingdom, or in any part of her Majesty's dominions beyond the seas, or in any port or harbour thereof, as one of her Majesty's Principal Secretaries of State may from time to time direct; and such person may during such term be kept to hard labour and otherwise dealt with in all respects as persons sentenced to transportation may now by law be dealt with while so confined.

7. All acts and provisions of acts now applicable with respect to persons under sentence or order of transportation shall, so far as may be consistent with the express provisions of this act, be construed to extend and be applicable to persons under any sentence or order of penal servitude under this act; and all the powers and provisions contained in the act of the 5 Geo. 4, c. 84, authorising the appointment by her Majesty from time to time of places of confinement as therein mentioned for male offenders under sentence or order of transportation, and authorising her Majesty to order male offenders convicted in Great Britain and under sentence or order of transportation to be kept to hard labour in any part of her Majesty's dominions out of England, shall extend and be applicable to and for the appointment by her Majesty of like places of confinement in any part of the United Kingdom for offenders (whether male or female) sentenced under this act in any part of the United Kingdom, and to and for the ordering of such offenders to be kept to hard labour in any part of her Majesty's dominions out of England; and all the provisions of the said act concerning the removal to or from and confinement in the places of confinement in or out of England, appointed under the said act, of the offenders therein mentioned, and all acts and provisions of acts now in force concerning or relating to the regulation and government of such places of confinement, and the custody, treatment, management, and control of or otherwise in relation to the offenders confined therein, shall, so far as the same may be consistent with the express provisions of the act, extend and be applicable to and for the removal to and from and confinement in the places of confinement appointed under this act of the offenders sentenced in any part of the United Kingdom, and otherwise be applicable to and in respect of such places of confinement and the offenders to be confined therein.

8. Provided always, that all the powers vested under this act, expressly or by reference to any other act, in one of her Majesty's Principal Secretaries of State, shall, in relation to places of confinement in Ireland, or where such powers are otherwise to be exercised in Ireland, be exercised by the Lord Lieutenant or other chief governor or governors of Ireland; and where the signature of one of her Majesty's Principal Secretaries of State would be necessary in relation to the exercise of such powers, the signature of such Lord Lieutenant or chief

governor or governors, or his or their chief secretary, shall be sufficient in the case of the exercise of such powers by such Lord Lieutenant or chief governor or governors.

9. It shall be lawful for her Majesty, by an order in writing under the hand and seal of one of her Majesty's Principal Secretaries of State, to grant to any convict now under sentence of transportation, or who may hereafter be sentenced to transportation, or to any punishment substituted for transportation by this act, a license to be at large in the United Kingdom and the Channel Islands, or in such part thereof respectively as in such license shall be expressed, during such portion of his or her term of transportation or imprisonment, and upon such conditions in all respects, as to her Majesty shall seem fit; and it shall be lawful for her Majesty to revoke or alter such license by a like order, at her Majesty's pleasure.

10. So long as such license shall continue in force and unrevoked, such convict shall not be liable to be imprisoned or transported by reason of his or her sentence, but shall be allowed to go and remain at large, according to the term of such license.

11. Provided always, that if it shall please her Majesty to revoke any such license as aforesaid, it shall be lawful for one of her Majesty's Principal Secretaries of State, by warrant under his hand and seal, to signify to any one of the police magistrates of the metropolis that such license has been revoked, and to require such magistrate to issue his warrant under his hand and seal for the apprehension of the convict to whom such license was granted, and such magistrate shall issue his warrant accordingly, and such warrant shall and may be executed by the constable to whom the same shall be delivered for that purpose in any part of the United Kingdom, or in the Isles of Jersey, Guernsey, Alderney, or Sark, and shall have the same force and effect in all the said places as if the same had been originally issued or subsequently indorsed by a justice of the peace or magistrate, or other lawful authority having jurisdiction in the place where the same shall be executed; and such convict when apprehended under such warrant shall be brought, as soon as he conveniently may be, before the magistrate by whom the said warrant shall have been issued, or some other magistrate of the same court, and such magistrate shall thereupon make out his warrant under his hand and seal for the recommitment of such convict to the prison or place of confinement from which he was released by virtue of the said license, and such convict shall be so recommitment accordingly, and shall thereupon be remitted to his or her original sentence, and shall undergo the residue thereof as if no such license had been granted.

12. No person shall, after the commencement of this act, be liable to be transported by reason only of a conviction for larceny after a previous conviction for felony, but every such person so convicted may be punished by penal servitude for any term not less than four years, and not more than ten years.

13. Provided always, that nothing in this act contained shall in any manner affect her Majesty's royal prerogative of mercy, or any prerogative of mercy vested in the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

14. Provided also, that nothing herein contained shall interfere with or affect the authority or discretion of any court in respect of any punishment which such court may now award or pass on any offender other than transportation, but where such other punishment may be awarded, at the discretion of the court, instead of transportation, or in addition thereto, the same may be awarded instead of or (as the case may be) in addition to the punishment substituted for transportation under this act.

15. For the purposes of this act, the term "transportation" shall include banishment beyond the seas.

16. This act shall commence from and after the 1st September, 1853.

#### CAP. C.

An Act further to extend and make compulsory the Practice of Vaccination. [20th August, 1853.]

#### CAP. CI.

An Act to extend the Public Libraries Act, 1830, to Ireland and Scotland. [20th August, 1853.]

#### CAP. CII.

An Act to prevent the defacing of the current Coin of the Realm. [20th August, 1853.]

Sect. 1. *Penalty for defacing the Coin by stamping Words thereon or bending the same.*

2. *Tender of Coin so defaced not to be a legal Tender, and Penalty for uttering same.*

Whereas a practice has arisen of defacing the coin of the realm by stamping the same for advertising purposes, and bending the same, and it is expedient to make provision for preventing the coin from being so defaced and bent: be it therefore enacted &c. as follows:—

Sect. 1. If any person shall deface any of the Queen's current gold, silver, or copper coin, by stamping thereon any names or words, whether such coin shall or shall not be thereby diminished or lightened, or shall use any machine or instrument for the purpose of bending the same, every such offender shall in England and Ireland be guilty of a misdemeanour, and in Scotland of a crime or offence, and being convicted thereof, shall be liable to fine or imprisonment, or fine and imprisonment, at the discretion of the Court.

2. No tender of payment in money made in any gold, silver, or copper coin so defaced or stamped as aforesaid shall be allowed to be a legal tender; and if any person shall tender, utter, or put off any coin so defaced, stamped, or bent as aforesaid, he shall, on summary conviction thereof before two justices, be liable to forfeit and pay any sum not exceeding 40s.: provided always, that it shall not be lawful for any person to proceed for any such penalty as last aforesaid without the consent (in England or Ireland) of her Majesty's Attorney-General for England or Ireland respectively, or (in Scotland) of the Lord Advocate.

#### CAP. CIII.

An Act to amend and continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland. [20th August, 1853.]

#### CAP. CIV.

An Act further to regulate the Employment of Children in Factories. [20th August, 1853.]

#### CAP. CV.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor. [20th August, 1853.]

#### CAP. CVI.

An Act for consolidating Customs Duties Acts. [20th August, 1853.]

#### CAP. CVII.

An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions. [20th August, 1853.]

#### CAP. CVIII.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. [20th August, 1853.]

#### CAP. CIX.

An Act to continue an Act to amend the Laws relating to Loan Societies. [20th August, 1853.]

#### CAP. CX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1853, and to appropriate the Supplies granted in this Session of Parliament. [20th August, 1853.]

#### CAP. CXI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [20th August, 1853.]



## CAP. CXII.

An Act to consolidate and amend the Laws relating to Hackney and Stage Carriages, also Job Carriages and Horses, and Carts let for Hire, within the Police District of Dublin Metropolis.

[20th August, 1853.]

## CAP. CXIII.

An Act to amend the Procedure in the Superior Courts of Common Law in Ireland.

[20th August, 1853.]

- Sect. 1. Commencement of act.
2. Short title of act.
3. Repeal of former acts.
4. Interpretation of terms.

*Form of Action and Commencement.*

5. Special forms of personal actions abolished.
6. One form personal action and action of ejectment.
7. Court to have like jurisdiction as heretofore.
8. Actions to be commenced by writ of summons and plaint.
9. Residence and description of parties to be mentioned in writ.
10. Form of plaint.
11. Particulars of demand and credits to be indorsed.
12. Writ to be indorsed with name and abode of attorney, or of plaintiff in person.
13. Attorney, on demand, to declare whether writ issued by his authority, and to declare name and abode of plaintiff.
14. Duplicates of plaint.
15. Writs for commencement of actions to be issued in rotation for the several courts. No objection on ground of privilege to be valid.
16. No writ of summons to be invalid on account of verbal or technical error or omission.

*To prevent Doubts from Abolition of Forms of Action.*

17. Arrest on mesne process.
18. Warrants of attorney and other writings to remain in force.
19. Statutes relating to actions to remain in force.

*Limitation of Action.*

20. Limitation of certain actions.
21. Limitation after judgment arrested or reversed.
22. Remedy for disabilities.
23. After acknowledgment or part payment on account of specialty, judgment, recognisance, &c.
24. After acknowledgment or part payment in respect of liabilities on simple contract.
25. Indorsement of payment by creditor not to take case out of statute.
26. As to debts alleged by way of set-off.
27. Memorandums not to require stamps.

*Continuance of Writs.*

28. Renewal of writs of summons to save the Statute of Limitation, and for other purposes.
29. Renewal of writs issued before this act.
30. Production of renewed writ evidence of commencement of action.

*Service of Writs.*

31. Writ may be served in any county.
32. Service of summons in ordinary cases.
33. Service on corporations.
34. Courts may direct substitution of service.
35. Affidavit of service of process.
36. Affidavits in certain cases may be sworn before a consul.

*Filing of Plaint.*

37. Filing plaint.
38. Rule for costs of not filing summons and plaint.

*Appearance and Defence.*

39. Appearance and defence to be filed together.
40. Defence by way of set-off.
41. Particulars of set-off to be indorsed.
42. Rule to plead abolished.
43. Time for pleading, where defendant is within jurisdiction, to be twelve days.
44. Time for pleading after amendment.
45. Copies to be served.
46. Further particulars.
47. Inspection and examination of premises or chattels may be ordered by the Court on behalf of either party.

*Form of Pleading.*

48. No pleading after defence.
49. Replication and subsequent pleadings.
50. Appointing next friend for plaintiff being a minor or lunatic.
51. Appointing a guardian for defendant being a minor or lunatic.
52. Security for costs, when and how to be obtained.
53. Forms in schedule may be adopted.
54. Different causes of action may be joined, but separate trials may be ordered.
55. Joinder of claims by husband and wife, with claims in right of husband.
56. Form and nature of defence and subsequent pleadings.
57. Several matters may be pleaded at any stage of the pleadings.
58. Certain defences may be pleaded together without leave.
59. Double pleas and demurrer.
60. Costs of several issues.
61. Forms and fictions abolished.
62. Venue to be stated only in margin of summons and plaint.
63. Setting out of deeds in pleading.
64. Production, inspection, and copy of deeds.
65. Summons and plaint for libel or slander.
66. Performance of conditions precedent may be averred generally.
67. The process or adjudication of an inferior jurisdiction may be pleaded generally.
68. Facts not traversed admitted. Character of assignees to be taken as admitted, unless denied.
69. General issue by statute abolished.
70. Defence by way of denial to traverse some particular fact. Defences which admit a contract in fact to be pleaded specially.
71. Pleas in actions for wrongs.
72. Defence of matter subsequent to action.
73. Defence of matter subsequent to last pleading, how to be pleaded.
74. Payment not to be proof in reduction of amount without plea.
75. Payment of money into court.
76. Drawing money so lodged.
77. Taxation of costs where money accepted in full satisfaction.
78. Issue to try sufficiency of payment when declined.
79. Pleas to actions partaking both of breach of contract and wrong.

*Objections by Demurrer.*

80. Objections by demurrer.
81. Pleadings good in substance sufficient.
82. Judgment on demurrer final.
83. Pleadings framed to embarrass may be amended.

*Joinder of Parties.*

84. Nonjoinder or misjoinder of parties.
85. Amendment before trial of nonjoinder or misjoinder of plaintiff.
86. Amendment at trial.
87. Upon notice of nonjoinder of plaintiffs, proceedings may be amended.
88. Proceedings when nonjoinder of defendant objected to.
89. Upon notice of nonjoinder of defendants proceedings may be amended.
90. Subsequent proceedings against the persons named in a notice for nonjoinder of defendant.
91. Misjoinder of defendants may be amended before or at the trial.

*Special Cases.*

92. Questions of law raised by consent without pleading.
93. Agreement as to error and payment of money and costs, according to judgment upon special case.
94. Proceedings in error upon special case.
95. Costs to follow the event unless otherwise agreed.

*Judgment by Default.*

96. Final judgment may be marked where demand liquidated.
97. Where only some of the defendants take defence.
98. Inquiry of damages before the Master, where the claim is matter of calculation.
99. Master shall examine the affidavits of service.

- 100. Ordinary writ of inquiry in other cases.
- 101. Inquiries may be holden before Master of the Court when venue in Dublin.

*Issues and Abstract for Nisi Prius.*

- 102. Abstract of issues for Nisi Prius to be settled by a judge.
- 103. Time for notice of trial and inquiry.
- 104. Notice of countermand.
- 105. Costs of the day.

*Default in going to Trial.*

- 106. Order for costs for not proceeding to trial.
- 107. Defendant's right to try upon default of the plaintiff.
- 108. Notice of trial by defendant.

*Jury Process.*

- 109. Precept by judges of assize to summon jurors for civil as well as criminal trials.
- 110. A printed panel to be prepared, and annexed to the abstract.
- 111. Sheriffs of Dublin to summon common jurors, and prepare a panel to be annexed to the abstract.
- 112. Special jurors summoned to try all special jury cases.
- 113. Mode of obtaining a special jury.
- 114. Remedy for delay by notice of trial by special jury.
- 115. Notice to sheriff of trial by special jury.
- 116. View to be by rule.
- 117. Proceedings before jurors so returned same as before this act.

*Evidence.*

- 118. Admission of documents.
- 119. Proof of admissions.
- 120. Proof of notice to produce.

*Bills of Exceptions.*

- 121. Bill of exceptions not to set forth the pleadings.

*Judgment.*

- 122. Judgment not to be arrested on technical grounds.
- 123. Entry of judgment on the roll unnecessary for execution.
- 124. When judgment to be made up, summary of pleadings to be lodged, and judgment marked thereon.
- 125. Judgment for money demands without distinction between debt and damages.
- 126. Award of costs in vexatious actions.

*Execution.*

- 127. Execution after trial.
- 128. Execution may issue to any county.
- 129. Execution to issue for the amount really due.
- 130. Expenses of execution.
- 131. Sheriff empowered to seize money, bank notes, &c., and to pay money or bank notes to execution creditor.
- 132. Attachment of Government and public stock and shares.
- 133. Order for transfer and payment.
- 134. Charging order on contingent and future interests.
- 135. Order in respect of money in the name of the Accountant-General.
- 136. Execution against beneficed clergymen.
- 137. Return of devastavit not to be made but on finding of jury.
- 138. Detainer of a prisoner in execution.
- 139. Discharge of a prisoner from execution.
- 140. Sheriff or gaoler may discharge prisoner by authority of attorney in the cause.
- 141. Renewal of execution.
- 142. Production of renewed writ evidence of renewal.
- 143. Satisfaction of judgments by party.
- 144. Court may order satisfaction to be entered on judgment fully paid.

*Assignment of Breaches.*

- 145. Assignment of breaches on penal covenant.
- 146. Damages on breaches to be ascertained.
- 147. Suggestion on further breaches, and execution on same.

*Proceedings to revive.*

- 148. Execution without revival.
- 149. Judgment to be revived by suggestion.
- 150. Application for suggestion.
- 151. Writ of revivor, and proceedings thereunder.
- 152. Plea of payment of judgment.
- 153. Writs of scire facias in other cases.
- 154. Writ of revivor, how procured.

*Death, Marriage, Bankruptcy.*

- 155. Action not to abate by death.
- 156. Proceedings on death of one of several plaintiffs or defendants.
- 157. Proceeding in case of sole plaintiff.
- 158. Proceeding upon death of sole or sole surviving defendant.
- 159. Death between verdict and judgment.
- 160. Death after interlocutory and before final judgment.
- 161. Marriage not to abate action.
- 162. Bankruptcy and insolvency of plaintiff, when not to abate action.

*Arrest of Judgment.*

- 163. Upon motion in arrest of judgment, or for judgment non obstante veredicto, suggestion of facts.
- 164. Costs to follow result of issue.
- 165. Costs of abortive issues.

*Error.*

- 166. Error to be brought within six years.
- 167. Error may be brought by legal representative of a deceased party.
- 168. Proviso for disabilities.
- 169. Writ of error abolished.
- 170. Error in law, how brought.
- 171. Error no supersedeas till service of the copy of the note and ground of error.
- 172. Bail in error.
- 173. Suggestion of joinder in error.
- 174. Entry of suggestion to be made by plaintiff in error.
- 175. Error by one of several persons.
- 176. Judgment roll to be brought into court of error.
- 177. Jurisdiction of Courts of error.
- 178. Court of error to have like powers with Court below.
- 179. Proceedings in error in fact.
- 180. Plaintiff may discontinue proceedings in error.
- 181. Defendant may confess error, and consent to reversal of judgment.
- 182. Death of plaintiff in error no abatement.
- 183. Death of one of several plaintiffs in error.
- 184. Death of sole plaintiff or of all the plaintiffs in error.
- 185. Death of defendant in error no abatement.
- 186. Proceedings upon death of one of several defendants in error.
- 187. Proceedings upon death of sole defendant or of all the defendants in error.
- 188. Marriage not to abate proceedings in error.
- 189. Injunctions to have a specific operation.

*General Matters.*

- 190. Pleadings dated of time of pleading.
- 191. Writ to be tested and returnable in vacation as well as in term.
- 192. Rules shall issue and run in vacation as well as in term time.
- 193. Court on motion may order a fixed sum to be paid in lieu of taxed costs.

*Action of Ejectment.*

- 194. Ejectment to be commenced by writ of summons and plaint.
- 195. Form and duration of writ of summons in ejectment.
- 196. Trial may be ordered to take place in any county.
- 197. Service of ejectment.
- 198. Form of defence in ejectment.
- 199. Partial defence.
- 200. Defence of persons not named or in possession.
- 201. Judgment by default for want of defence.
- 202. Abstract of issues.
- 203. Proof of title.
- 204. Verdict when title appears to have expired before trial.
- 205. Non-appearance at trial.
- 206. Ascertainment of rent.
- 207. Judgment and execution upon finding for plaintiff.
- 208. Judgment and execution upon finding for defendant.
- 209. Execution in ejectment.
- 210. Defence by joint owners.
- 211. Judgment against joint owners.
- 212. Action not to abate by death of plaintiff.
- 213. Suggestion of death of plaintiff.
- 214. Death before trial of plaintiff where right does not survive.

215. Death of sole plaintiff where right does not survive.  
 216. Death of one of several plaintiffs after verdict.  
 217. Death of one of several joint defendants.  
 218. Upon death of all the defendants before trial.  
 219. Death before trial of defendant in ejectment who defends for part.  
 220. Death of defendant defending separately for property, in respect of which others also defend.  
 221. Death of all defendants after verdict.  
 222. Plaintiff may discontinue by notice.  
 223. Defendant may confess the action.  
 224. Confession by one defendant.  
 225. Effect of judgment in ejectment.  
 226. Inquiry as to mesne rates after writ of error.  
 227. General provisions to apply to ejectments.  
*Action for Replevin of Goods.*  
 228. Action for replevin to be commenced by writ of summons and plaint.  
 229. Plaintiff may sue out also a writ of replevin.  
 230. If plaintiff in replevin be nonprossed or nonsuited, defendant entitled to judgment and execution for his rent.

*Amendment.*

231. Amendment.

*Regulation of Business.*

232. Holidays.  
 233. General rules may be made by the judges.  
 234. Consolidated Court of Nisi Prius for the trial of issues arising in any of the superior courts.  
 235. Such Court to sit continuously.  
 236. Officers of Consolidated Nisi Prius Court.  
 237. Cases to be tried in Consolidated Nisi Prius Court.  
 238. Judges of either court may do business depending in any of the courts.  
 239. Courts may hold sittings in vacation.

*Alteration of Forms.*

240. New forms of writs and other proceedings.

*Schedules.*

241. Schedules to form part of act.  
 242. Schedule of law fund duties.  
 243. Schedule of fees and costs.

## CAP. CXIV.

An Act to extend the Municipal Boundaries of the Borough of Belfast, and to reduce the Scale of rating upon certain Property within the said Borough. [20th August, 1853.]

## CAP. CXV.

An Act to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the Transmission of certified Copies of Letters-patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act. [20th August, 1853.]

## CAP. CXVI.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Sergeant-Majors of the Militia; and to authorise the Employment of the Non-commissioned Officers. [20th August, 1853.]

## CAP. CXVII.

An Act to amend the Laws relating to the Redemption and Purchase of the Land-tax in Great Britain. [20th August, 1853.]

## CAP. CXVIII.

An Act to amend an Act of the seventh Year of her Majesty for the better Apprehension of certain Offenders. [20th August, 1853.]

## CAP. CXIX.

An Act for the Suppression of Betting Houses. [20th August, 1853.]

## CAP. CXX.

An Act to authorise the Inclosure of certain Lands, in Pursuance of a Special Report of the Inclosure Commissioners for England and Wales. [20th August, 1853.]

## CAP. CXXI.

An Act for providing Places of Confinement in England or Wales for Female Offenders under Sentence or Order of Transportation. [20th August, 1853.]

## CAP. CXXII.

An Act to render valid certain Marriages in the Church of the Holy Trinity, in the Township of Halma, and Parish of Manchester, in the County of Lancaster. [20th August, 1853.]

## CAP. CXXIII.

An Act to amend the Laws relating to the Investments of Friendly Societies. [20th August, 1853.]

- Sect. 1. *Friendly Societies may invest their Funds otherwise than as required by 13 & 14 Vict. c. 115.*  
 2. *Societies availing themselves of this Act not to invest any further Portions of their Funds with the Commissioners for the Reduction of the National Debt.*  
 3. *Societies not already having an Account with the said Commissioners, after passing of Act not to invest Funds with the said Commissioners.*

Whereas by the acts now in force relating to friendly societies such societies are authorised and required to invest their funds in the manner and upon the securities mentioned in the said acts; and whereas it is expedient to grant other facilities for investing their funds to such societies: be it therefore enacted &c. as follows:—

Sect. 1. Any friendly society duly established under any act of Parliament, and which is empowered by its rules to assure to or on the death of any person a sum exceeding 200*l.*, or to grant an annuity on any life exceeding 30*l.* per annum, may invest the funds of such society, after the passing of this act, not only in the manner and upon the securities mentioned in sect. 12 of the 13 & 14 Vict. [c. 115], but also upon the security of any rates, tolls, duties, assessments, bonds, debentures, or other securities of any body or company incorporated by act of Parliament or charter which such body or company is authorised by such act or charter to raise, levy, or mortgage, or on the security of any policy or policies of assurance effected upon a life or lives of adequate value.

2. If any such society shall invest any portion of its funds, which may now by law be invested with the Commissioners for the Reduction of the National Debt, in any of the securities enumerated in this act, it shall not be lawful for such society to invest thereafter any further portion of the funds of such society with the said commissioners.

3. No such friendly society which previously to the passing of this act has not opened an account with the Commissioners for the Reduction of the National Debt shall be allowed, after the passing of this act, to invest its funds, or any part thereof, with the said commissioners.

## CAP. CXXIV.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. [20th August, 1853.]

## CAP. CXXV.

An Act to continue and amend the Metropolitan Sewers Acts. [20th August, 1853.]

## CAP. CXXVI.

An Act to confirm certain Provisional Orders of the General Board of Health for Accrington, Bangor, and Uxbridge, and to provide for conducting the first Election of a Local Board of Health at Eiland. [20th August, 1853.]

## CAP. CXXVII.

An Act to reduce the Duties payable in Respect of Hackney Carriages used in the Metropolis, and to amend the Laws relating to the granting of Licenses and Payment of Duties in Respect of Metropolitan Stage and Hackney Carriages, and to make Provision as to the Charge for the Hire of Hackney Carriages in certain Cases. [20th August, 1853.]

- Sect. 1. *Repeal of Duties in Respect of Hackney Carriages in the Metropolis.*  
 2. *Grant of new Duties on Hackney Carriages in Lieu of Duties repealed.*  
 3. *Commencement of Repeal and Grant of Duties.*  
 4. *Duties granted to be Duties of Excise under the Care of the Commissioners of Inland Revenue.*  
 5. *Licenses granted under the 1 & 2 Will. 4, c. 22, to cease, and Hackney Carriages to be licensed under this Act.*

6. *Persons possessed of Licenses in Force to keep Hackney Carriages to have new Licenses granted to them in Exchange.*
7. *Commencement and Termination of Licenses.*
8. *A proportionate Part only of the yearly Duty to be charged on Licenses taken out before 2nd January, 1854.*
9. *Renewal of Licenses.*
10. *Numbered Plate to be delivered up on Expiration of Licenses, or, in Default, Duty to continue payable.*
11. *Numbered Plates on Hackney Carriages not licensed to be used on Sundays to be distinguished from those on Carriages licensed to be used on every Day of the Week.*
12. *Where Licenses for Hackney Carriages and Metropolitan Stage Carriages are to be granted and the Duties paid.*
13. *As a Mile to be paid for every Mile beyond the Circumference of a Circle of four Miles from Charing Cross, if Carriage be discharged beyond such Circumference.*
14. *Where more than two Persons are conveyed in a Hackney Carriage drawn by one Horse, 6d. in Addition to the Fare to be paid for each Person above two for the whole Hiring.*
15. *When Carriage hired by Time, 6d. to be paid for every fifteen Minutes, or Portion thereof, over the Hour.*
16. *Proprietors of Hackney Carriages withdrawing Carriages from Hire beyond a certain Time liable to a Penalty.*
17. *"The Limits of this Act" defined.*
18. *None but Officers of Inland Revenue or of the Metropolitan Police to prosecute before Justices for Penalties.*

Whereas it is expedient to reduce the duties now payable in respect of hackney carriages used in the metropolis; be it therefore enacted &c. as follows:—

Sec. 1. From and after the respective times hereinafter appointed in that behalf, the duties granted and now payable under the act of the 1 & 2 Will. 4, c. 22, (that is to say), for and upon every license to keep, use, employ, and let to hire any hackney carriage within the distance of five miles from the General Post-office, in the city of London, the duty of 5l., and for and in respect of every such license as aforesaid weekly and every week during the continuance thereof the sum of 10s., shall respectively cease and determine, and shall be and the same are hereby repealed; save and except as to any of the said duties which shall have been charged or incurred on or before the said respective times, and any arrear thereof, and as to all fines and penalties incurred or which may be incurred in respect of the said duties or arrears, or in relation thereto; all which said duties and arrears, fines and penalties, so excepted as aforesaid, shall respectively be sued for and recovered, levied, paid, and applied in the same manner as if this act had not been passed.

2. In lieu of the said duties hereby repealed there shall be granted, raised, levied, collected, and paid, from and after the respective times hereinafter appointed in that behalf, unto and for the use of her Majesty, her heirs and successors, for and in respect of every hackney carriage which shall be kept, used, or let to hire within the limits of this act as hereinafter defined, the several duties following; (that is to say),

For and upon every license to be taken out yearly to keep, use, and let to hire any such hackney carriage .....	£1 0 0
And for and in respect of every such hackney carriage as aforesaid weekly and every week, where the license for such carriage shall authorise the using and letting to hire of the same on every day of the week the sum of .....	0 7 0
And where such license shall authorise the using and letting to hire of such carriage on every day of the week except Sunday, the sum of ..	0 6 0

3. The repeal of the said several existing duties, and the grant in lieu thereof of the said several new duties by this act, shall respectively commence and take effect from and after the respective times following; (that is to say), as to the said several weekly duties payable in respect of every such hackney carriage as aforesaid, from and after the 10th July, 1853, and

as to the said duty for and upon every such license as aforesaid, from and after the passing of this act.

4. The said duties by this act granted shall be denominated and deemed to be duties of excise, and shall be under the care and management of the Commissioners of Inland Revenue for the time being; and all powers, provisions, clauses, regulations, and directions, fines, forfeitures, and penalties contained in or enacted by any act or acts in force for levying, collecting, and securing the said duties hereby repealed, or any other duties of excise, or otherwise in relation thereto, in all cases not herein expressly provided for, and so far as the same are not superseded or expressly repealed by and are consistent with the express provisions of this act, shall be duly observed, applied, practised, and put in execution for the granting of licenses under this act, and for charging, raising, levying, collecting, and securing the said duties hereby granted, and otherwise relating thereto, as fully and effectually to all intents and purposes as if the same powers, provisions, clauses, regulations, directions, fines, forfeitures, and penalties were particularly repeated and re-enacted in the body of this act with reference to the said duties hereby granted.

5. From and after the 10th October, 1853, every license granted and in force under the said act of the 1 & 2 Will. 4, c. 22, or any subsequent act or acts amending or altering the same, to keep, use, employ, and let to hire any hackney carriage at any place within the distance of five miles from the General Post-office, in the city of London, shall cease and determine; and no hackney carriage shall be kept, used, employed, or let to hire at any place within the said distance, or within the limits of this act, without a license authorising the same granted under this act.

6. Provided always, that every person who shall be possessed of any license or licenses granted to him to keep, use, or let to hire any hackney carriage within the distance of five miles from the General Post-office, in the city of London, and in force at the time of the passing of this act, shall be entitled, upon production of the proper certificate or certificates required by law in that behalf, to have the same or any less number of new licenses granted to him under this act without payment of the duty by this act imposed on every such license, provided he shall produce and deliver up to the proper officers of excise authorised to grant licenses under this act the said license or licenses of which he shall be so possessed, together with the numbered plate or plates appertaining thereto, and shall apply for such new license or licenses within the period of one calendar month next after the 10th October, 1853, and such person shall also be entitled, upon production of such certificate or certificates as aforesaid, to have such license or licenses renewed under this act without payment of the said duty imposed thereon until the first Monday in the month of January, 1857.

7. Every license which shall be granted under this act to keep, use, and let to hire any hackney carriage shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 2nd January, 1854, shall expire on the 1st January, 1854; and every such license which shall be granted upon or at any time after the said 2nd January, 1854, shall expire on the first Sunday in the month of January in the year next following that in which such license shall be granted; and every such license shall be renewed from year to year on payment of the duty by this act chargeable thereon.

8. Provided always, that for and upon every such license as aforesaid which shall be taken out after the passing of this act, and before the 2nd January, 1854, there shall be charged and paid in respect of the portion of a year for which the same shall be granted one-fourth part only of the annual duty by this act charged on a yearly license.

9. Every person who shall be desirous of renewing any such license shall give notice in writing twenty-one days at least before the expiration of the current license to him granted of his intention to renew the same to the proper collector, supervisor, or other officer authorised to grant such licenses; and where such notice shall have been given the new license shall bear date on the day next after the day of the expiration of the former license, but if such notice shall not have been given the license shall bear date on the day of the application for the same.

10. Provided always, that whenever any license granted under this act shall cease or expire or be discontinued, the person to whom such license shall have been granted shall,

within three days next after the expiration or discontinuance thereof, deliver up to the Commissioners of Inland Revenue, or to the proper officers, or one of them, by whom such license is granted, the numbered plate mentioned in such license, or in default thereof such person shall continue to be subject and liable to the payment of the weekly duty chargeable under this act in respect of the hackney carriage mentioned in such license; and such person shall be charged with the said duty accordingly to the time of delivering up the said plate; and such duty shall be recoverable by the same ways and means as such license had continued in force.

11. The numbered plates to be provided by the Commissioners of Inland Revenue, and to be fixed on hackney carriages not authorised by license to be used or let to hire on Sundays, shall be distinguished in such manner as the said Commissioners may think proper from the numbered plates to be fixed on hackney carriages authorised by license to be used and let to hire on every day of the week; and if any hackney carriage which shall be authorised by license to be used or let to hire on every day of the week except Sunday shall be used or let to hire on any Sunday, or if any hackney carriage shall be used or let to hire on Sunday having fixed or placed thereon any such numbered plate as aforesaid provided for any hackney carriage not authorised to be used or let to hire on Sunday, every such hackney carriage shall be deemed to be used and let to hire without a license in that behalf; and the owner of such hackney carriage, if there shall be no such plate as aforesaid fixed or placed thereon, or the person to whom such plate, if any be fixed or placed thereon shall have been delivered, with any license relating thereto, shall be deemed to be the person using and letting to hire such hackney carriage without having a license in force so to do, and shall incur and be liable to the penalty imposed by law in that behalf.

12. And whereas, under and by virtue of the laws in force, licenses for or in respect of hackney carriages and for or in respect of certain stage carriages are required to be granted at the chief office of Inland Revenue, and the duties payable in respect of such hackney carriages and stage carriages respectively are required to be paid at the said chief office, and it is expedient to make other provision in that behalf:

It shall be lawful for the Commissioners of Inland Revenue, and they are hereby authorised and empowered, from time to time to order and direct that all or any of such licenses as aforesaid shall be granted, and that the duties payable in respect of all or any of such hackney carriages and stage carriages as aforesaid respectively shall be paid, at such place or places within the limits of this act as the said Commissioners shall deem to be most proper and convenient for the purpose, anything in any former act or acts contained to the contrary notwithstanding.

13. It shall be lawful for the driver of any hackney carriage within the limits of this act to charge 1s. per mile for every mile (or part of a mile) which he shall be required to drive beyond the circumference of a circle, the radius of which shall be four miles from Charing-cross, provided such carriage shall be discharged beyond such circumference, anything contained in the 16 & 17 Vict. c. 33, or in the schedule thereto, notwithstanding.

14. Whenever more than two persons shall be conveyed by any hackney carriage drawn by one horse only, a sum of 6d. for each person above the number of two shall be paid for the whole hiring in addition to the fare now directed to be paid for two persons under the said act of the 16 & 17 Vict. c. 33; and two children under ten years old shall be considered as one adult person for the purposes of this clause.

15. When any hackney carriage within the limits of this act hired for a fare to be paid according to time shall be hired or used by the hirer thereof for any longer time than one hour, 6d. shall be paid for every fifteen minutes, or any portion of fifteen minutes not completed, above one hour.

16. The proprietor of every hackney carriage or metropolitan stage carriage licensed to ply for hire within the limits of this act who shall withdraw his carriage from hire for two consecutive days, or for any two days in one week, without just cause, of which the magistrate before whom the complaint is heard shall be the judge, shall be liable to a penalty of a sum not exceeding 20s. in respect of every carriage for each day he shall so withdraw the same, and the license of such proprietor shall be suspended or recalled and taken away, at the discretion of the said Commissioners of Police: provided always, that it shall be lawful for such proprietor, upon giving ten days' notice

to the Commissioners of Police, to withdraw his carriage from hire.

17. The limits of this act shall be deemed to be and to include every part of the metropolitan police district and the city of London; and all provisions of any former act in force referring to hackney carriages licensed under the said act of the 1 & 2 Will. 4, [c. 22], or to hackney carriages kept, used, employed, or let to hire within the distance of five miles from the General Post-office, in the city of London, or to any act, matter, or thing committed or done in relation to such hackney carriages within the said distance, shall from and after the passing of this act be deemed to refer and apply to hackney carriages licensed under this act, or to hackney carriages kept, used, employed, or let to hire within the limits of this act, and to any act, matter, or thing committed or done in relation to hackney carriages within the said limits.

18. From and after the passing of this act it shall not be lawful for any person, other than the solicitor or some other officer of Inland Revenue, or some officer of the metropolitan police, to inform or prosecute before any justice of the peace for the recovery of any penalty imposed by or incurred under any act or acts now in force, or this act, for or on account of the keeping, using, or letting to hire by any person of any hackney carriage at any place within the limits of this act without having a license in force so to do, or without having the proper numbered plate properly placed and fixed upon such hackney carriage in the manner required by law.

(To be continued).

### London Gazette.

FRIDAY, OCTOBER 7.

#### BANKRUPTS.

CHARLES BAKER, Brook-st., Grosvenor-square, Middlesex, upholsterer, Oct. 18 at 11, and Nov. 24 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Edmunds, 12, South-square, Gray's-inn.—Petition filed Oct. 4.

CHARLES POLLARD, Wellington-street North, Strand, Middlesex, licensed victualler, dealer and chapman, Oct. 17 at 2, and Nov. 15 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Taylor & Collinson, Great James-st., Bedford-row.—Petition filed Sept. 28.

RICHARD LANCASTER SWALLOW, late of Nine Elms, Battersea, Surrey, licensed victualler, dealer and chapman, and now of Park-terrace, Battersea-fields, Surrey, out of business, Oct. 17 at 11, and Nov. 15 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Childley, 19, Gresham-street.—Petition filed Sept. 27.

HENRY BAKER, New Oxford-st., Bloomsbury, Middlesex, ironmonger, dealer and chapman, Oct. 15 and Nov. 19 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Fisher, 4, Verulam-bdgs., London.—Petition dated Oct. 4.

#### MEETINGS.

John Watson Dawson and Thos. Edward Williams, Crescent-place, New Bridge-st., Blackfriars, London, wine merchants, Oct. 18 at 2, Court of Bankruptcy, London, pr. d.—Charles Hudson Simson, Bishopsgate-st., London, provision dealer, Nov. 3 at 1, Court of Bankruptcy, London, last ex.—Emanuel Cunliffe, Goodshaw Fold, within Higher Booths, near Burnley, Lancashire, cotton spinner, Oct. 18 at 12, District Court of Bankruptcy, Manchester, last ex.—George Storey, Whittlesea, Cambridgeshire, draper, Oct. 17 at 11, Court of Bankruptcy, London, aud. ac.—Wm. Thomas the younger, Haworth, Yorkshire, worsted spinner, Oct. 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.—Henry Bates and Charles Hitchman, Addle-st., London, and Bristol and Birmingham, straw-plait dealers, Nov. 4 at 12, Court of Bankruptcy, London, div.—Benjamin Clark, Gloucester-terrace, Hyde-park-gardens, Middlesex, dentist, Nov. 4 at half-past 12, Court of Bankruptcy, London, div.—Chas. Doudney Gray, Southampton, grocer, Nov. 4 at 2, Court of Bankruptcy, London, div.—Josef Alphonse Thomas, Thavies-inn, London, flour merchant, Nov. 3 at 12, Court of Bankruptcy, London, div.—Joseph Marriott, Gracechurch-street, London, oilman, Nov. 3 at 11, Court of Bankruptcy, London, div.—William Palford, Long Sutton, Lincolnshire, cordwainer, Oct. 28 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—Thomas Dixon, Bradford, Yorkshire, iron merchant, Oct. 28 at 11, District Court of Bankruptcy, Leeds, div.—Henry Andrew Bacon, Sheffield, Yorkshire, printer, Oct.

29 at half-past 12, District Court of Bankruptcy, Sheffield, div.—*Robert Nelson, Mary Nelson, and Robert Nelson* the younger, Darlington, Durham, provision merchants, Oct. 28 (and not Oct. 19, as before advertised) at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Robert Lambell*, Etham-place, Dover-road, St. George's, Southwark, Surrey, draper, Nov. 1 at 1, Court of Bankruptcy, London.—*N. B. Pierpoint*, Little Fultensy-street, Golden-square, Middlesex, surgeon, Nov. 1 at 2, Court of Bankruptcy, London.—*John William Haylock*, Lawrence-street, Chelsea, Middlesex, licensed victualler, Nov. 1 at 12, Court of Bankruptcy, London.—*Henry A. Driver*, Moorgate-street, London, stationer, Nov. 4 at 1, Court of Bankruptcy, London.—*Richard Otley and Thomas Otley*, Sheffield, Yorkshire, and Addle-hill, London, manufacturers of Britannia metal wares, Oct. 29 at 12, District Court of Bankruptcy, Sheffield.—*R. Pimm*, Stratford-upon-Avon, Warwickshire, corn dealer, Oct. 29 at 10, District Court of Bankruptcy, Birmingham.—*Thos. Stevenson*, Nottingham, printer, Oct. 28 at 10, District Court of Bankruptcy, Nottingham.—*Robert Lea*, Grantham, Lincolnshire, draper, Oct. 28 at 10, District Court of Bankruptcy, Nottingham.—*John Fiddaman*, Newark-upon-Trent, Nottinghamshire, carrier, Oct. 28 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Robert Johnston*, Gracechurch-street, London, ironmonger.—*Alexander Jacobs*, Moorgate-street, London, and Torquay, Devonshire, builder.—*Wm. Austin*, Grove, Great Guildford-street, Southwark, and New-street, Southwark-bridge-road, Surrey, ironfounder.—*Vincent Depouty*, Mark-lane, London, merchant.—*Lewis F. Bellet*, Old Jewry-chambers, London, merchant.—*Geo. Franks*, Blackfriars-road, Surrey, surgeon.—*M. H. Jacobs*, Great Union-street, Borough-road, Surrey, glass dealer.—*Joseph Newman*, Nibley, Westerleigh, Gloucestershire, innkeeper.—*Wm. Crankshaw*, Colne, Lancashire, cotton spinner.

#### PARTNERSHIP DISSOLVED.

*Samuel Rowles Pattison and Geo. Graham White*, Launceston, Cornwall, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*James Moir*, Edinburgh, tailor.—*Wm. Bairner*, Cupar-Fife, manufacturer.—*Donald McIntyre*, Glasgow, slater.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Lane*, Welch End, Willenhall, Staffordshire, whitesmith, Oct. 25 at 9, County Court of Staffordshire, at Wolverhampton.—*John W. F. Rounding*, York, out of business, Oct. 24 at 10, County Court of Yorkshire, at York Castle.—*Thos. Morgan*, Middleham, Yorkshire, draper, Oct. 20 at 10, County Court of Yorkshire, at Leyburn.—*John M'Duff*, Buckden, Yorkshire, working gardener, Oct. 21 at 11, County Court of Yorkshire, at Stokesley.—*Thos. Lumb*, Cambridge, cheese factor, Oct. 20 at 10, County Court of Cambridgeshire, at Cambridge.—*Wm. Trotman*, Brackley, Northamptonshire, hairdresser, Oct. 24 at 10, County Court of Northamptonshire, at Brackley.—*P. Thornton*, South Shields, Durham, engineman, Oct. 24 at 10, County Court of Durham, at South Shields.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 21 at 11, before Mr. Commissioner PHILLIPS.*

*Frederick Hine*, Three Colt-street, Limehouse, Middlesex, butcher.—*Robert Willmott*, Cumberland-street, Middlesex Hospital, Middlesex, bricklayer.—*Robert Smith*, Minories, London, carver.—*Richard Hutchinson*, Lee-street, Kingsland New Town, and Ashley-crescent, City-road, Middlesex, grocer.—*Henry Wratten*, Little Sussex-place, Hyde-park-gardens, Paddington, Middlesex, out of business.—*G. E. N. Gibbs*, Fleet-street, London, artist.—*Wm. Solinque*, Barking, Essex, fisherman.—*Wm. Buckland*, Whittington-place, Upper Holloway, Middlesex, baker.—*John Wilson*, Devonshire-

grove, Old Kent-road, Surrey, out of employ.—*E. Byres* the elder, Turnham-green, Middlesex, retailer of beer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 1 at 10, before the CHIEF COMMISSIONER.*

*Wm. Stephenson*, Tooley-street, Southwark, Surrey, grocer.—*George Wilton*, Blackfriars-road, Surrey, tobacconist.—*H. W. Lindus*, South-square, Gray's-inn, Middlesex, clerk to an attorney.—*Joseph Stammers*, Bow-street, Covent-garden, Middlesex, musical director.—*George J. E. Smith*, White-chapel-road, Middlesex, tailor.—*M. E. Durup*, Brydges-st., Covent-garden, Middlesex, in no trade.—*Henry Harcourt W. Aubrey*, Canterbury-place, Lambeth-road, Surrey, lieutenant-colonel in the Spanish army.

*Nov. 1 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Ashcroft*, Belmont-terrace, Chelsea, Middlesex, builder.—*Thomas T. Taylor*, Hunter-street, Brunswick-sq., Middlesex, commission agent.—*Robert Flint Steel*, Grove-place, Lisson-grove, St. John's-wood, Middlesex, out of business.—*John Ballard Lloyd*, Leslie-street, Mile-end-road, Middlesex, commercial traveller.—*Charles P. Messer*, Giltspur-road, Brompton, Middlesex, clerk in the Money Order-office, General Post-office.—*John Ross*, New Church-road, Southampton-street, Camberwell, Surrey, timber dealer.—*W. C. Smith*, Bromley-street, Commercial-road East, Middlesex, warehouseman.—*Thomas B. Baker*, Bun-street, Minories, Middlesex, clerk in holy orders.

*Nov. 1 at 10, before Mr. Commissioner MURPHY.*

*Edwin T. Hicks*, Bath, Somersetshire, scientific lecturer.—*Wm. J. Howe*, Union-street, Clarendon-square, Somers-town, Middlesex, out of employ.—*John T. Burn*, Park-road, Brixton-hill, Surrey, bricklayer.—*Edward Maynard*, Middle-row, Old-street, St. Luke's, Middlesex, sawyer.—*Frederick Riminton*, Buttsland-street, Hoxton, Middlesex, messenger in the Inland Department, General Post-office, St. Martin's-le-Grand.—*George F. Taylor*, Windmill-street, Middlesex, music master.

*Nov. 2 at 10, before the CHIEF COMMISSIONER.*

*John Williams*, Henrietta-street, Brunswick-square, Middlesex, commission agent.—*James Ross*, Albert-terrace, White Horse-street, Stepney, Middlesex, out of business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Hugh M'Kendrick*, Hulme, Manchester, out of business, No. 77,011; *John Blackburn*, assignee.—*John Bennett*, Manchester, out of business, No. 76,918; *Thomas Kind*, assignee.—*John Burgess*, Manchester, out of business, No. 76,849; *Henry Heaketh*, assignee.—*John Roberts*, Liverpool, licensed victualler, No. 76,862; *Richard Roberts*, assignee.—*Peter Bates*, Salford, Lancashire, out of business, No. 77,081; *Lewis Morgan*, assignee.—*John Collins*, Liverpool, vinegar manufacturer, No. 76,995; *Henry Brownentt*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Oct. 21 at 10.*

*Eliza Cockle*, widow, Haddenham, Isle of Ely, miller.

*At the County Court of Lancashire, at LANCASTER, Oct. 21 at 10.*

*John Parkinson*, Blackburn, upholsterer.—*John Spencer*, Salford, out of business.—*Thomas Hopkinson*, Oldham, licensed victualler.—*Charles Byrnes*, Liverpool, out of business.—*Thomas Howarth*, Salford, grocer.—*John Wilkinson Todhunter*, Liverpool, grocer.—*Wm. Watson*, Manchester, joiner.—*Isaac Deaville*, Cheetwood, near Manchester, out of business.—*Robert B. Reed*, Heywood, near Bury, out of business.—*Wm. Boucock*, Davyhulme, near Stretford, out of business.—*George T. Scott*, Strangeways, Manchester, out of business.—*Michael Blackett*, Salford, attorney-at-law.—*Michael Robinson*, Greenheys, Manchester, out of business.

*At the County Court of Yorkshire, at YORK, Oct. 21.*

*James Clethro*, Sheffield, file manufacturer.—*G. Cowper*, York, out of business.—*John Lawson*, York, bone crusher.—*Wm. Howitt*, Leeds, cloth dresser.—*John Bailey*, Starbeck, Knaresborough, butcher.—*Alfred Greenwood*, Bradford, out of business.—*Thomas Thornton*, Hunslet, near Leeds, out of business.—*Joseph Stocks*, Kingston-upon-Hull, out of business.—*James Broadhead*, Hepworth, near Holmfirth, com-

mission agent.—*Thomas B. Bradley*, Bramley, near Leeds, editor of periodicals.—*Thomas Salt*, High Harrogate, Bilton-with-Harrogate, auctioneer.—*J. Varley*, Longlands, Linthwaite, Aldmondbury, near Huddersfield, woollen cloth manufacturer.—*C. Stewick*, Marsh, near Huddersfield, stonemason.—*Matthew Blake*, Ryston, near Shipton, in no trade.—*Caleb Senior*, York, out of business.—*James Richmond*, York, watchmaker.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Rev. George J. Freeman*, at Palmer & Billson's, Leicester: 2s. 10d. (in addition to former dividends of 11s. 4d.) in the pound.—*Thomas Frankland*, Commercial-road East, Middlesex, butcher, at Lewis & Lewis's, 10, Ely-place, Holborn: 2d. in the pound.

#### TUESDAY, OCTOBER 11.

##### BANKRUPTS.

**SAMUEL COOPER**, Reading, Berkshire, and Brighton, Sussex, builder, auctioneer, dealer and chapman, Oct. 20 and Nov. 24 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Linklater, Sise-lane, Bucklersbury.—Petition filed Sept. 29.

**MOSES DRAPER**, High-street, Southwark, Surrey, and Ramsgate, Kent, straw-bonnet maker and warehouseman, milliner, tailor, dealer and chapman, Oct. 24 at 12, and Nov. 24 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Linklater, Sise-lane, Bucklersbury.—Petition filed Oct. 5.

**CHARLES SEAGRIM**, Winchester, Southampton, solicitor, scrivener, gasman, dealer and chapman, Oct. 21 and Dec. 2 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Braikenridge & Sons, 16, Bartlett's-buildings, Holborn.—Petition dated Sept. 28.

**JAMES GLASSCOCK**, Coleman-street, New North-road, and South-street, New North-road, Islington, Middlesex, baker, dealer and chapman, Oct. 21 at 2, and Nov. 26 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Moss, 86, Queen-st., Cheap-side.—Petition dated Sept. 28.

**JOHN MANSFIELD**, Lyme Regis, Dorsetshire, shipbuilder, dealer and chapman, Oct. 20 and Nov. 17 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sol. Stogdon, Exeter.—Petition filed Oct. 10.

**WILLIAM SALMON**, Manchester, leather seller, dealer and chapman, Oct. 25 and Nov. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Makinson, Manchester; Jones, 9, Quality-court, Chancery-lane, Middlesex.—Petition filed Oct. 3.

**ANN STUART BURNS**, widow, Liverpool, hosier, draper, dealer and chapwoman, Oct. 20 and Nov. 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Dodge, Liverpool; Sole & Co., Aldermanbury, London.—Petition filed Oct. 4.

##### MEETINGS.

*Francis Rave* and *George W. Mortimer*, Bury, Lancashire, silk dyers, Oct. 28 at 12, District Court of Bankruptcy, Manchester, last ex. of *George W. Mortimer*.—*J. Fowler*, Macclesfield, Cheshire, provision dealer, Oct. 28 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Hall*, Newcastle-upon-Tyne, corn factor, Nov. 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Nov. 10 at 11, div.—*Kate Hynes*, St. Thomas the Apostle, Devonshire, dealer in marine stores, Oct. 27 at 1, District Court of Bankruptcy, Exeter, and ac.; Nov. 16 at 11, div.—*Samuel B. Waite*, Exeter, hatter, Oct. 27 at 1, District Court of Bankruptcy, Exeter, and ac.—*Matthew Brickdale* and *John Brickdale*, Taunton, Somersetshire, bankers, Oct. 27 at 1, District Court of Bankruptcy, Exeter, and ac., and Nov. 16 at 11, div. sep. est. of *Matthew Brickdale*.—*Richard Stephens*, Frore, Cornwall, draper, Oct. 27 at 1, District Court of Bankruptcy, Exeter, and ac.; Nov. 16 at 11, div.—*Samuel Satter*, Abbots Langley, Hertfordshire, maltster, Oct. 28 at 12, Court of Bankruptcy, London, div.—*Robert Brennan*, Adde-street, Wood-street, London, warehouseman, Nov. 8 at 1, Court of Bankruptcy, London, div.—*Joseph Piggis* and *Frederick Piggis*, Wolverhampton, Staffordshire, Oct. 22 at 10, District Court of Bankruptcy, Birmingham, and ac.; Nov. 7 at 16, div.—*William Elgood*, Leicester, merchant, Nov. 4 at 10, District Court of Bankruptcy, Nottingham, div.—*W. Williams*, *W. Williams* the younger, and *Thomas R. Williams*, Newport, Monmouthshire, bankers,

Nov. 14 at 11, District Court of Bankruptcy, Bristol, div.—*J. Heywood* and *Jas. Heywood*, Liverpool, provision merchants, Oct. 24 at 11, District Court of Bankruptcy, Liverpool, div.—*Henry Nicholls*, Eastham, innkeeper, and *Theo. Hiltier*, Birkenhead, Cheshire, scrivener, Nov. 7 at 11, District Court of Bankruptcy, Liverpool, div.

##### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Johnson*, Great Winchester-street, London, East India merchant, Nov. 2 at 1, Court of Bankruptcy, London.—*W. H. Adams*, St. John-street-road, Middlesex, woollendrapers, Nov. 2 at 12, Court of Bankruptcy, London.—*John Edward Spicer*, Chilworth, near Guildford, Surrey, and Alton, Hampshire, paper manufacturer, Oct. 31 at 12, Court of Bankruptcy, London.—*Reuben Brooks*, Brixton Oval, Surrey, picture dealer, Oct. 31 at 12, Court of Bankruptcy, London.—*Thos. B. B. Webb*, Brighton, Sussex, and Gloucester, draper, Nov. 8 at 12, Court of Bankruptcy, London.—*Wm. Pegler*, James-place, Gloucester-terrace, Paddington, Middlesex, job master, Nov. 4 at 2, Court of Bankruptcy, London.—*George Wms*, Scarborough, Yorkshire, linendrapers, Nov. 14 at 11, District Court of Bankruptcy, Leeds.—*Thomas Jardine*, Liverpool, stonemason, Nov. 10 at 11, District Court of Bankruptcy, Liverpool.—*Elizabeth Morris*, Gloucester, grocer, Nov. 7 at 11, District Court of Bankruptcy, Bristol.—*Wm. May*, Exeter, linendrapers, Nov. 16 at 11, District Court of Bankruptcy, Exeter.—*Francis Rave* and *Geo. W. Mortimer*, Bury, Lancashire, silk dyers, Nov. 2 at 12, District Court of Bankruptcy, Manchester.—*Thos. S. Catlin*, Leicester, grocer, Nov. 4 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*John Evans*, Hampton-court, Middlesex, hotel keeper.—*Hannah Mathew* and *John Mathew*, Holland-street, Blackfriars-road, Surrey, wheelwrights.—*W. Shoberl*, Great Marlborough-street, and St. John's-wood-terrace, Middlesex, publisher.—*Wm. Weller*, Chatham, Kent, maltster.—*William Bradshaw*, Birmingham, victualler.—*Joseph Piggis* and *Fred. Piggis*, Wolverhampton, Staffordshire, shoe manufacturers.

##### PARTNERSHIP DISSOLVED.

*Joseph Henry Pickering* and *Edward Gamble*, Derby, attorneys, solicitors, and conveyancers.

##### SEVERAL SQUENTRATIONS.

*Robert Findlay*, Airdrie, Lanarkshire, draper.—*John Patterson*, Alloa, grocer.—*William Lawson*, Linlithgow, hotel keeper.—*John Robt. W. Anderson*, Glasgow, manufacturing chemist.—*Peter Clark*, Kilmarnock, slater.—*P. Ferguson*, deceased, Glasgow, commission agent.—*George Berland*, Byres of Bankhead, farmer.

##### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Kent*, Great Yarmouth, Norfolk, baker, Oct. 27 at 10, County Court of Norfolk, at Great Yarmouth.—*Thomas Fuller*, Great Yarmouth, Norfolk, out of business, Oct. 27 at 10, County Court of Norfolk, at Great Yarmouth.—*William Barradell*, Derby, baker, Oct. 29 at 12, County Court of Derbyshire, at Derby.—*Wm. Robt. Thomson*, Manchester, merchant's clerk, Oct. 31 at 12, County Court of Lancashire, at Manchester.—*Samuel Pepper*, Stoke-upon-Trent, Staffordshire, in no business, Oct. 19 at 10, County Court of Staffordshire, at Hanley.—*G. Darracott*, Swansea, Glamorganshire, commission agent, Oct. 20 at 10, County Court of Glamorganshire, at Swansea.—*Geo. Vidler*, Battle, Sussex, plumber, Oct. 31 at 11, County Court of Sussex, at Hastings.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 14 at 10, before the CHIEF COMMISSIONER.*

*Henry Stowell*, Portsmouth-place, Lower Kensington-lane, Surrey, plumber.—*J. William Raven*, Love-lane, Stockwell, Surrey, out of business.—*Geo. Curtis*, Jewry-street, Aldgate, London, butcher.—*Chas. J. G. Morgan*, Half Moon-crescent, Islington, Middlesex, optical turner.—*Henry Samuel Ward*, Upper Dorset-place, Clapham-road, Lambeth, Surrey, ma-



nager to a printer.—*C. Blewitt*, Turner-street, Commercial-road East, Middlesex, out of business.

Nov. 30 at 11, before Mr. Commissioner MURPHY.

*James Watts*, Princess-street, Edgeware-road, Middlesex, in no business.—*Joseph T. Millard*, Arlington-street, New North-road, Islington, Middlesex, attorney-at-law.—*Richard Hanson*, Little Chapel-street, Soho, Middlesex, japanner.—*W. Pulham*, Lillington-street, Pimlico, Middlesex, plasterer.—*Wm. H. F. Crossman*, Harley-street, Cavendish-square, Middlesex, in no occupation.—*John Garrod*, Dalston-road, Kingland-gate, Dalston, Middlesex, tailor.—*J. Cripp*, John-street, East-street, East-lane, Walworth, rope manufacturer.

Saturday, Oct. 8.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Wm. Parry*, Blaenant, Petrishaw, Breconshire, labourer, No. 76,775 C.; *James Williams*, assignee.—*G. Platt*, Little-moor, within Whitfield, Glossop, Derbyshire, out of business, No. 76,873 C.; *William Buckley*, assignee.—*William Porter*, Goswell-road, Clerkenwell, Middlesex, retailer of beer, No. 63,800 T.; *John Courage*, assignee.—*Wm. Kivrage*, George-street, Hove, near Brighton, Sussex, builder, No. 76,765 C.; *Frederick Dufaur*, assignee.—*Prudence Keay*, widow, Balsall Heath, Worcestershire, out of business, No. 76,640 C.; *John Welch*, assignee.—*Charles Wesley Buckingham*, Ipswich, Suffolk, cabinet maker, No. 76,866 C.; *Robert Galsworthy*, assignee.—*John Greenwood*, Idle, Yorkshire, cloth manufacturer, No. 76,953 C.; *William Lynd*, assignee.—*William Gray*, Wimbington, Isle of Ely, Cambridgeshire, farmer, No. 73,496 C.; *Mark William Hart*, assignee.—*James Soden*, Birmingham, timekeeper, No. 76,805 C.; *William Potter*, assignee.—*John Pegram*, Walthamstow, Essex, farm bailiff, No. 63,713 T.; *Thomas Bird*, assignee.—*Ezekiel Tall*, the younger, Witcham, Isle of Ely, Cambridgeshire, agricultural labourer, No. 73,241 C.; *Matthew Wasdale*, assignee.—*David Evans*, Merthyr Tydvil, Glamorganshire, out of business, No. 75,150 C.; *Richard Millward*, assignee.—*Jos. Bailey*, Bristol, barge owner, No. 76,687 C.; *Francis Wm. Simmons*, assignee.—*Edward Robinson*, Hawkshead, Lancashire, painter, No. 76,711 C.; *John Poole*, assignee.—*James Davenport*, Sheffield, Yorkshire, out of business, No. 76,816 C.; *James Whitton*, assignee.—*John Lewis*, Wainmanhir, Swansea, Glamorganshire, collier, No. 76,840 C.; *John Griffiths*, assignee.—*Richard Bonser*, Manchester, baker, No. 76,851 C.; *John Moss*, assignee.—*Wm. Ling Hicks*, Cressingham, Suffolk, farmer, No. 77,008 C.; *John Peck* and *J. Warren* the younger, assignees.—*Hugh M'Kendrick*, Hulme, Manchester, out of business, No. 77,011 C.; *John Blackburn*, assignee.—*Rebecca Thomas*, Swansea, Glamorganshire, potter, No. 77,041 C.; *Henry Griffiths*, assignee.

Saturday, Oct. 8.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—  
(On their own Petitions).

*Christopher Melton*, Tothill-street, Westminster, Middlesex, saddler: in the Debtors Prison for London and Middlesex.—*Edwin Baker*, Featherstone-buildings, High Holborn, Middlesex, tailor: in the Queen's Prison.—*Robert Henry Mockle*, Queen Charlotte-row, New-road, Middlesex, captain in the Hon. East India Company's Service: in the Debtors Prison for London and Middlesex.—*George Henry Gallaway*, St. George's-road, New Kent-road, Surrey, out of business: in the Gaol of Horsemonger-lane.—*W. B. Netherwood*, Werrington-st., Oakley-square, St. Pancras, Middlesex, retired officer in the Hon. East India Company's Service: in the Queen's Prison.—*John La Guerrande*, Clarence-street, Islington, Middlesex, out of business: in the Queen's Prison.—*Philip Fama*, Swan-street, Minories, Middlesex, dealer in cigars: in the Debtors Prison for London and Middlesex.—*Eliza Cockle*, widow, Haddenham, Isle of Ely, Cambridgeshire: in the Gaol of Cambridge.—*Michael Robinson*, Manchester, waste dealer: in the Gaol of Lancaster.—*Thos. Cunliffe*, Boothfold, near Newchurch, Lancashire, woollen manufacturer: in the Gaol of Lancaster.—*Michael Blackett*, Salford, Lancashire, attorney-at-law: in the Gaol of Lancaster.—*Abijah Smith*, Park-st., Northamptonshire, shoe manufacturer: in the Gaol of Northampton.—*Thomas Taylor*, Dudley Hill, near Bradford, Yorkshire, worsted stuff manufacturer: in the Gaol of York.—*Wm. Nelson*, Skerton, Lan-

cashire, out of business: in the Gaol of Lancaster.—*George Thos. Scott*, Manchester, out of business: in the Gaol of Lancaster.—*Geo. Frederick Smith*, Liverpool, ship broker: in the Gaol of Lancaster.—*Wm. Frederick Lockwood*, Island of Jersey, in the English Channel, out of business: in the Gaol of York.—*James Procter*, Chester, builder: in the Gaol of Chester.—*Henry Welch Cattermole*, Great Yarmouth, Norfolk, out of business: in the Gaol of Norfolk.—*Robert Emuss*, Birmingham, butcher: in the Gaol of Coventry.—*J. Gray*, Timsbury, near Bath, Somersetshire, out of business: in the Gaol of Wilton.—*Rich. Barnes*, King's Lynn, Norfolk, fisherman: in the Gaol of Norfolk.—*John Spicer*, Exted Farm, Eltham, Kent, farm bailiff: in the Gaol of Maidstone.

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CHARLES JOHN GILL, Secretary.

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# The Jurist

No. 876—VOL. XVII. OCTOBER 22, 1853.

PRICE 1s.

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LONDON, OCTOBER 22, 1853.

BEFORE the 5 & 6 Will. 4, c. 83, there was no power in any Court or in any person to correct substantial errors, either in letters-patent or in the inrolled specifications of letters-patent. There was, however, always power in the Master of the Rolls, in his capacity of Keeper of the Records, to make corrections of merely clerical errors in any inrolled document, and consequently in the inrolled specification of an invention. Thus, in *Redmond's case*, (5 Russ. 44), the copying clerk, in ingrossing a specification and the plans annexed thereto, had by mistake transposed the number by which in the specification reference was made to the plan. On the error being discovered, the Master of the Rolls ordered the inrolment to be corrected. It is not clear from the short report of this case whether the error was in the document commonly called the specification—viz. that parchment document which the patentee signs and acknowledges, and which is afterwards copied on the rolls—or whether that document was correct, and the error was that of the copying clerk in the Inrolment-office. And this distinction was pointed out in a recent case, not yet reported, (*Re Dismore's Patent*, at the Rolls, July 29 and 30, 1853), in which the error—the mistake of a Christian name—had been committed by the clerk who

copied the draft specification for the parchment copy, which was acknowledged; so that the copy tendered by the patentee at the Inrolment-office, to be there copied on the rolls, was correctly copied, and the inrolment and the acknowledged specification corresponded. The Court, on being asked to rectify the error on the inrolment, hesitated, doubting at first whether it had any power to do more than make the inrolment correspond with the copy of the document brought in for inrolment.

In this case, *Redmond's case* and *Sharp's case* (1 Web. Pat. Cas. 646) were cited; and it was urged that the power of the Court, according to the doctrine laid down in *Sharp's case*, was to see that the inrolment was according to the intention of the party; so that if there was error, and the inrolment, therefore, contrary to the intention of the party, it was immaterial whether that error was in the copy of the specification tendered for inrolment, or in the copy actually put on the rolls. The Court was not, however, satisfied with the reasoning; and there being no reported case shewing the exact point to have been determined, search was made for precedents, and the order made in the case of *Rubery's Patent*, made by Lord Langdale on the 9th January, 1841, was produced. In that case the statement was, that the clerk of the agent, to whom the ingrossing of the draft specification was intrusted, made an error in a date, so that the ingrossed specification, which was acknowledged and tendered for inrolment, was itself wrong, and the inrolment corresponded with it. On a petition to correct the inrolment, Lord Langdale made an order that the proper officer should attend with the record, and that it should be amended. The Solicitor-General had in that case subscribed the petition. On this authority, Sir J. Romilly, M. R., made a similar order in *Dismore's case*, requiring, however, that the signature of the Attorney or Solicitor General should first be obtained to the petition, and

that the letters-patent should be produced for the inspection of the Court.

The practice may therefore now be considered settled, as to the correction of merely clerical errors in inrolled specifications, that whether the error was originally in the acknowledged copy of the specification brought in for inrolment, or whether, that being correct, the error was originally in the inrolment itself, the Court will correct the error in the record of the specification.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—In THE JURIST of the 24th September a correspondent states that the judges of the county courts were, in the spring of the year, requested "to send the instruments of their appointment to the Audit Office," and "that these documents have not been returned," and that "the Lords of the Treasury had issued a circular requiring the judges to have them stamped." It ought not to be inferred that *all* the county court judges have abstained from having the instrument of their appointment stamped. Where such instrument was properly stamped by order of the county court judge, as it was incumbent on him to have done on his appointment, with a 75*l.* stamp, such instrument of appointment has been returned to him. Your correspondent is also wrong in saying that "the writings of appointment issued by Lord Cottenham were principally to point out the districts in which the county court judges were to act." The document was one of appointment, and also one to assign the district. As a document of appointment, why should any county court judge be exempted from the payment of the stamp on the appointment? See title "Grant" in the schedule of the Stamp Act. Then, as respects the assignment of the district, it is incorrect to say that the stamp duty would be payable upon the assignment of a new district. The County Court Act provides for the *appointment*, and also for the assignment of the district in which the judge is to act. The duty is payable in respect of the *appointment* as judge, not in respect of the assignment of the district; nor will any stamp duty be payable if a new district is assigned; and the assignment of a new district to a judge is especially provided for by the County Court Act—that is, to a person already appointed a judge, in respect of which *appointment* the duty is properly charged. J.

### A POINT FOR CONVEYANCERS.

TO THE EDITOR OF "THE JURIST."

SIR,—By the 15 & 16 Vict. c. 86, s. 56, it is enacted, that "before any estate or interest shall be put up for sale under a decree or order of the Court of Chancery, an abstract of the title thereto *shall, with the approbation of the Court, be laid before some conveyancing counsel to be approved of by the Court, for the opinion of such counsel thereon,*" &c.

By the prior act, 15 & 16 Vict. c. 80, ss. 40, 41, it is enacted, that "it shall be lawful for the Court, or for any judge thereof when sitting at chambers, to receive and act upon the opinion of conveyancing counsel in actual practice, to be nominated as hereinafter mentioned, *in all cases in which, according to the present practice of the Court and of the Master's office, it has been usual for the Master to require or receive the opinion of conveyancing counsel for his aid and assistance in the investigation of the title to an estate,*" &c.; and "that it be lawful for the Lord Chancellor to nominate

any number of conveyancing counsel in actual practice, not less than six, who shall have practised as such for ten years at least, to be the *conveyancing counsel* upon whose opinion the Court, or any judge thereof, may act in *any of the cases last before mentioned.*"

Two questions in particular arise under these clauses.

First, what is meant by the words "shall, with the approbation of the Court?" Is the direction imperative in all cases, even where the title to the estate sold is abundantly clear? If so, there is evidently a double expense incurred in fees to counsel.

Secondly, but a more important question to the conveyancer in practice is the following:—If the direction be imperative (as it would seem) in all cases, is the expression "some conveyancing counsel to be approved of by the Court" to be restricted to the conveyancing counsel appointed under stat. 15 & 16 Vict. c. 80? We observe that many new cases for counsel's opinion on abstracts are created by stat. 15 & 16 Vict. c. 86, s. 56, if the preliminary investigation of title be enforced on every sale; and these cases do not appear to be included in the words of stat. 15 & 16 Vict. c. 80, which define the business of which the conveyancing counsel appointed under that act are to enjoy a monopoly. It appears unjust to deprive the non-privileged conveyancers of their fair share of business going through the court, except by express enactment; and, taking the sections together, it does not appear to me that this express enactment has been made. My object in writing is to ask you and your readers if the point has been decided, or what is the practice, and I therefore decline to enter into any discussion of the law on the merits.

I am, Sir, your obedient servant,

A CONVEYANCER.

### PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 401).

#### CAP. CXXVIII.

An Act to abate the Nuisance arising from the Smoke of Furnaces in the Metropolis and from Steam Vessels above London-bridge. [20th August, 1853.]

#### CAP. CXXIX.

An Act further to amend the Law relating to Pilotage. [20th August, 1853.]

#### CAP. CXXX.

An Act to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland. [20th August, 1853.]

#### CAP. CXXXI.

An Act to amend various Laws relating to Merchant Shipping. [20th August, 1853.]

#### Preliminary.

- Sect. 1. Interpretation of terms in this act.
2. Short title.
3. Commencement of act.

#### Light Dues and other Dues on Shipping.

4. The light dues payable to the Trinity House, Northern Light Commissioners, and Ballast Board, and the ballast rates of the Trinity House, to form the Mercantile Marine Fund.
5. Account of the said fund to be kept by her Majesty's Paymaster-General.
6. Establishments for lighthouses and ballastage charged on the Mercantile Marine Fund to be fixed by her Majesty in Council.
7. Estimates and accounts for other expenses to be approved by the Board of Trade.
8. No expense to be allowed unless sanctioned by Board of Trade.
9. For the purpose of erecting and repairing lighthouses, &c., Treasury may advance money.

10. Power to Board of Trade to borrow money on the credit of the fund.

11. Her Majesty may, by order in Council, fix tolls to be taken for new lighthouses.

12. Provision for existing debts and charges.

13. Power to commute pensions and grant superannuation allowances.

14. Application of ballastage rates.

15. Light dues, &c. to be revised by her Majesty in Council.

16. Fees received by the Board of Trade to be applied only in payment for services.

17. Trinity House, &c. to account for receipt and expenditure to the Board of Trade.

18. Accounts of Mercantile Marine Fund to be audited by Commissioners of Audit.

19. Accounts to be laid before Parliament.

20. Board of Trade may appoint persons to inspect lighthouses.

21. Sect. 43 of 6 & 7 Will. 4, c. 79, repealed, and Trinity House, with sanction of Board of Trade, to make suggestions and give directions to the other Lighthouse Boards.

22. Property used for the purpose of the said services to be exempt from all rates and taxes.

23. Provisions of 8 & 9 Vict. c. 19, to apply to land purchased for lighthouses.

24. Dues levied on ships not to be sold or charged without consent of the Board of Trade.

#### *Board of Trade Accounts.*

25. Sects. 18, 117, and 118 of 13 & 14 Vict. c. 93, sects. 29 and 31 of 14 & 15 Vict. c. 96, and sects. 27, 28, 36, 51, and 56 of 14 & 15 Vict. c. 102, repealed.

26. Penalties under Merchant Seamen's Act to be paid into Exchequer.

27. Mode of dealing with wages, &c. of deceased seamen.

28. Property belonging to Merchant Seamen's Fund to be paid into Exchequer.

29. Expenses of Merchant Seamen's Fund to be provided for by annual vote.

30. Gross sum to be paid to Seamen's Hospital Society in lieu of annual payments.

#### *Manning.*

31. So much of 12 & 13 Vict. c. 29, as relates to manning, repealed.

32. Declaration to be made by transferees of British ships for the purpose of proving themselves to be British subjects.

33. Ships unduly assuming British character may be seized and brought in for adjudication.

34. If the simulation is proved, the ship may be condemned.

#### *Volunteering into the Navy.*

35. So much of 7 & 8 Vict. c. 112, as to wages, instead of being paid at once, to be given to the Queen's officer on account of the seamen, repealed.

36. If new seamen are engaged instead of the original seamen, the owner may apply for repayment of the extra expense he has been put to. Application to be decided on, and certificate for amount given. Costs not exceeding 5*l.* per man may be given.

37. Accountant-General to pay sums so certified.

#### *Desertion.*

38. Seamen imprisoned for desertion or breach of discipline may be sent on board before the termination of the sentence.

#### *Lascar Seamen for Australia.*

39. Contracts may be made with natives in India under certain conditions binding them to go to Australia, and thence to serve in other ships to the United Kingdom.

#### *Salvage.*

40. No claim for salvage services to be allowed in respect of loss or risk of her Majesty's ships or property.

41. Steps to be taken when salvage services have been rendered by her Majesty's ships abroad.

42. Consular officer or judge to fix amount for which a bond is to be given.

43. And to send notice thereof to the master. On master executing bond, the right of detention to cease.

44. Provision for additional security in the case of ships owned by persons resident out of her Majesty's dominions.

45. Documents to be sent to England.

46. Whom the bond shall bind.

47. Court in which it is to be adjudicated on.

48. Power of High Court of Admiralty to enforce bonds.

49. Saving clause.

50. Voluntary agreements may be made which shall have the same effect as the bonds above mentioned.

51. Documents free from duty.

#### *Penal Clauses.*

52. Punishment for forgery and false representations.

53. Mode of procedure in criminal cases.

#### *Procedure in Scotland under Merchant Service Acts.*

54. All offences under 7 & 8 Vict. c. 112; 8 & 9 Vict. c. 116; 13 & 14 Vict. c. 93; 14 & 15 Vict. c. 96; 14 & 15 Vict. c. 79; and 14 & 15 Vict. c. 103, punishable as misdemeanours.

55. Summary proceedings.

56. Penalties, how to be sued for.

57. Form of complaint, &c.

58. Mode of requiring appearance of defender and witnesses.

59. Backing arrestments.

60. Compelling attendance of witnesses.

61. Proceedings to be *vivâ voce*.

62. Power to adjourn.

63. Sentence to be in writing. Imprisonment to be inflicted in default of payment.

64. Sentence, penalties, &c. in default of defender's appearance.

65. Warrant to apprehend in default of appearance.

66. Backing sentences or decrees.

67. Orders not to be quashed for want of form, and to be final.

68. General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

#### CAP. CXXXII.

An Act to extend the Provisions of an Act of the present Session for redeeming or commuting the Annuity payable to the South Sea Company and certain Annuities of 3*l.* per Centum per Annum, and to provide for Payments to be made under the said Act. [20th August, 1853].

#### CAP. CXXXIII.

An Act to suspend the making of Lists and the Ballots and Inrolments for the Militia of the United Kingdom, and to amend the Law in relation to the Militia in England. [20th August, 1853].

#### CAP. CXXXIV.

An Act to amend the Laws concerning the Burial of the Dead in England beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis. [20th August, 1853].

#### CAP. CXXXV.

An Act to continue certain Turnpike Acts in Great Britain, and to make further Provisions concerning Turnpike Roads in England. [20th August, 1853].

#### CAP. CXXXVI.

An Act for enabling Grand Juries in Ireland to borrow Money from private Sources on the Security of Presentment, and for transferring to Counties certain Works constructed wholly or in part with Public Money. [20th August, 1853].

#### CAP. CXXXVII.

An Act for the better Administration of Charitable Trusts. [20th August, 1853].

Sect. 1. *Her Majesty empowered to appoint Charity Commissioners, Secretary, and Inspectors.*

2. *Qualification of Commissioners.*

3. *Officers of the Board.*

4. *Salaries.*

5. *No paid Commissioner, Secretary, or Inspector to sit in the House of Commons.*

6. *Style of Commissioners, who may sit as a Board.*

7. *Board to frame General Minutes.*

8. *Minutes of Proceedings and Orders, &c. to be entered, and Copies of Entries signed by the Secretary to be received in Evidence.*
  9. *Board to inquire into Condition and Management of Charities.*
  10. *Power to require Accounts and Statements.*
  11. *Officers having Custody of Records to furnish Copies and Extracts, if required by Board.*
  12. *Inspector may examine Witnesses on Oath.*
  13. *Person giving false Evidence guilty of a Misdemeanour.*
  14. *Persons refusing to render Accounts, &c. to be deemed guilty of a Contempt of Court.*
  15. *Saving for Persons claiming adversely to Charities.*
  16. *Board to entertain Applications for their Opinion or Advice. Persons acting on Advice of Board to be indemnified.*
  17. *Notice of legal Proceedings as to any Charity by any Person, except the Attorney-General, to be given to the Board. Courts not to entertain Proceedings as to Charities, except upon Certificate of the Board.*
  18. *Saving for the Attorney-General ex officio.*
  19. *Board may, upon the Report of an Inspector, authorise Proceedings, where no Notice has been given to them, and may in other Cases cause local Inquiries by their Inspector.*
  20. *Power for Board to certify certain Cases to the Attorney-General.*
  21. *Board may sanction Building Leases, working Mines, doing Repairs and Improvements; and may authorise the Application of the Charity Funds or the raising of Money on Mortgage for those Purposes.*
  22. *Commissioners to authorise Trustees to remove Officers.*
  23. *Board may sanction Compromise of Claims on Behalf of Charity.*
  24. *Board, under special Circumstances, may authorise Sale or Exchange of Charity Lands.*
  25. *Board may authorise the Redemption of Rent-charges.*
  26. *Leases, Sales, &c. authorised by the Board to be valid.*
  27. *Trustees of Charities enabled to purchase Sites for building from Owners under Disability, &c., according to the Provisions of Lands Clauses Consolidation Act, 1845.*
  28. *In Cases of Charities the Incomes of which exceed 30l., Master of the Rolls and Vice-Chancellors, upon Applications to them at Chambers, to have the same Jurisdiction as the Court of Chancery or Lord Chancellor now has upon Information, &c.*
  29. *Provision as to Charities within the Jurisdiction of the Court of Chancery of the County Palatine of Lancaster.*
  30. *Provisions as to Charities exceeding 30l. per Annum to extend to Charities in London not exceeding 30l.*
  31. *Lord Chancellor, with the Advice of Master of the Rolls and Vice-Chancellors, or two of them, to make General Orders.*
  32. *District Courts of Bankruptcy and County Courts to have Jurisdiction in Cases of Charities the Incomes of which do not exceed 30l.*
  33. *Deputy sitting for County Court Judge not to exercise Jurisdiction.*
  34. *Where two or more Courts have concurrent Jurisdiction, Board to direct to which Court Applications shall be made.*
  35. *Board may direct Cases within the Jurisdiction of a District or County Court to be taken before a Judge of the Court of Chancery in the first Instance.*
  36. *No Order of District or County Court for the Appointment or Removal of Trustees or Approval of a Scheme to be valid unless confirmed by Board.*
  37. *Board, if dissatisfied with the Order of District or County Court, may remit the Case for Reconsideration, or may transfer the Matter to a Judge of the Court of Chancery.*
  38. *How Orders of District or County Court under this Act to be enforced.*
  39. *Appeal.*
  40. *Proceedings on Appeal. Bond to prosecute Appeal may be put in Suit.*
  41. *No Chancery Judge, or District or County Court, in Proceedings under this Act, to try Titles, &c.*
  42. *Notice to be published of Application for Scheme or Appointment or Removal of Trustees under this Act.*
  43. *By whom Applications may be made. Attorney-General may petition under 52 Geo. 3, c. 101.*
  44. *Statement in Certificate of Board of the Amount of Income of any Charity to be sufficient Evidence for determining the Jurisdiction or Proceedings under this Act. Proviso as to particular Endowments.*
  45. *Lord Chancellor to make Orders for regulating Proceedings before District and County Courts. Judges to regulate Proceedings.*
  46. *Reservation of Rights and Privileges of Church of England with respect to Charities.*
  47. *Secretary to be Treasurer of Charities; such Treasurer to be a Corporation.*
  48. *Land holden upon Trust for a Charity, subject to Jurisdiction of Court of Chancery and of Judge, may be vested in Treasurer. Proviso.*
  49. *Orders may be made revesting Land, &c. in the Trustees of the Charity.*
  50. *Treasurer to be a bare Trustee.*
  51. *Judge may order Trustees, &c. holding Stock, &c. belonging to a Charity subject to his Jurisdiction to transfer same to official Trustees.*
  52. *Secretary to keep separate Accounts of Funds of each Charity.*
  53. *Trustees may deposit Deeds, &c. for Security in a Repository provided by the Board.*
  54. *Power to Board to frame Schemes for the Appropriation of Charitable Property to varied Trusts.*
  55. *Notice to be given before Approval of Schemes, and Objections may be submitted for the Consideration of the Board.*
  56. *Board may alter or modify or approve of Scheme.*
  57. *The Matter of Schemes may be referred to an Inspector for local Inquiry.*
  58. *Inspectors to report the Result of Inquiry to the Board.*
  59. *Schemes, when approved, to be certified by the Board. Copy of such Certificate to be deposited in the Parish or District, and Notice given.*
  60. *Annual Report to be laid before Parliament, which shall set forth all the Schemes approved.*
  61. *Accounts of Trustees of Charities to be delivered to the Clerks of County Courts, Clerks of the Peace, and to the Board.*
  62. *Exemptions from the Operation of the Act. Provisions as to Charities supported partly by voluntary Subscriptions.*
  63. *Exempted Charities may petition Commissioners to have Benefit of Act.*
  64. *Disputes among Members of exempted Charities may be referred to Arbitration of Commissioners.*
  65. *Legal Estate of Lands now vested in Municipal Corporations on Charitable Trusts to be vested in Trustees.*
  66. *Interpretation of Terms.*
  67. *Extent of Act.*
  68. *Short Title.*
- Whereas it is expedient to provide means for securing the due administration of charitable trusts, and for the more beneficial application of charitable funds in certain cases: be it therefore enacted &c. as follows:—
- Sect. 1. It shall be lawful for her Majesty and her successors, by warrant under the royal sign-manual, to appoint four commissioners, and also one secretary and two inspectors, for the purposes of this act, and upon any vacancy by the death, resignation, or removal of any commissioner, secretary, or inspector under this act, from time to time in like manner to appoint another person to succeed to such vacancy, and until a fresh appointment shall be made it shall be lawful for the surviving or continuing commissioners, in case of any vacancy, to act as if no such vacancy had occurred; and three of the

aid commissioners shall hold office during good behaviour; and the fourth, and every secretary and inspector to be appointed under this act, shall hold office during the pleasure of her Majesty.

2. The said three commissioners so holding office during good behaviour shall be paid as hereinafter mentioned, and two at least of the said paid commissioners for the time being shall be barristers-at-law of not less than twelve years' standing at the time of their respective appointments, and one of such barristers shall be the chief commissioner, and shall be so called and distinguished in his appointment.

3. The said commissioners, with the sanction of the Commissioners of her Majesty's Treasury, shall from time to time appoint such clerks and messengers as the said commissioners may think fit, and all persons appointed under this provision shall hold their offices during the pleasure of the said commissioners.

4. There shall be paid to the said paid commissioners, and to the said secretary, inspectors, clerks, and messengers, such salaries, not exceeding for the chief commissioner the annual sum of 1500*l.*, and for each of the other paid commissioners the annual sum of 1200*l.*, and for the said secretary the annual sum of 600*l.*, and for each of the said inspectors the annual sum of 800*l.*, as shall be from time to time allowed by the Commissioners of her Majesty's Treasury, who may also allow to every commissioner, inspector, and other person appointed for the purposes of this act, such reasonable travelling and other expenses as may be incurred by him in the execution of his office, and the said salaries and expenses, and the incidental expenses of the said board, shall be paid out of any monies which may be from time to time provided by Parliament for that purpose: provided always, that after the 31st March, 1837, the said annual salary shall be paid to one only of the said commissioners besides the said chief commissioner.

5. No paid commissioner, secretary, or inspector to be appointed under this act shall be capable of sitting in the House of Commons during the tenure of his office.

6. The said commissioners to be appointed under this act shall be styled "The Charity Commissioners for England and Wales," and may have and use a seal for authenticating documents, and such commissioners shall sit from time to time as a board for carrying this act into execution; and any two of such commissioners may form a board, and may exercise all or any of the powers conferred on the commissioners or the board by this act.

7. The said board shall, by general minutes, from time to time prescribe regulations for their proceedings, and the proceedings of their inspectors, and concerning the form and manner of applications to the said board, and the conditions to be performed by applicants, and for the guidance of applicants in relation thereto, and all such general minutes shall be signed by three of the said commissioners at the least; and copies of all such general minutes shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, or if Parliament be not sitting, then within fourteen days after the next meeting thereof.

8. The said board shall cause minutes of their proceedings, and all orders, certificates, and schemes made or approved by them under this act, to be entered in books to be provided and kept for such purpose, and all such entries shall be signed by their secretary, and all copies purporting to be extracted from the books of the said board, and to be certified by their secretary, of any such minutes, orders, certificates, and schemes entered as aforesaid, shall be received as evidence of the proceedings to which such minutes shall relate, and of such orders, certificates, or schemes, and of the making or approval thereof (as the case may require) by the said board, without further proof thereof.

9. It shall be lawful for the said board from time to time, as they in their discretion may see fit, to examine and inquire into all or any charities in England or Wales, and the nature and objects, administration, management, and results thereof, and the value, condition, management, and application of the estates, funds, property, and income belonging thereto; and the said board may cause examinations and inquiries in relation to the matters aforesaid to be made and prosecuted by their inspectors, acting together or separately, in such cases and at such times as the said board may think fit; and all such inspectors shall from time to time report their proceedings to the said board.

10. The said board may require all trustees or persons acting or having any concern in the management or administration of any charity, or the estates, funds, or property thereof, to render to the said board, or to their inspectors, or either of them, accounts and statements in writing in relation to such charity, or the funds, estates, property, income, or monies thereof, or the administration, management, and application thereof, and may also require such trustees and persons to return answers in writing to any questions or inquiries addressed to them by the direction of the said board relating to the matters aforesaid.

11. All officers having the custody of enrolments, decrees, reports, records, and other documents relating to or concerning any charity shall furnish such copies or extracts as shall be required by the said board; and every inspector, secretary, and other officer of the said board for the time being employed for the purposes of this act shall be at liberty, by the authority and under the directions of the board, and subject to such regulations as the board may make in that behalf, to examine and search the registers and records of every court of law and equity, and every ecclesiastical court, and every public registry and office of records, and to take copies of and extracts from any decree or document recorded or registered or deposited therein respectively, for any purpose contemplated by this act, without fee or other payment in respect thereof.

12. Any inspector acting under the authority of the said board may, by precept under his hand, subject to such regulations as the said board may make in that behalf, require any person, being a trustee of any charity, or otherwise acting or having any concern in the management or administration of any charity, or of the estates, funds, or property thereof, or in the receipt or payment of the income or monies thereof, or deriving any income or stipend therefrom, to attend before such inspector for the purpose of being examined by him touching or relating to such charity, or the estates, funds, property, or income thereof, at any time and place mentioned or appointed by such precept, and to bring and produce any deed, paper, writing, instrument, or other document, being in the custody, possession, or power of such person, and relating to such charity, or the estates, funds, property, or income thereof, and may examine upon oath all persons attending in pursuance of such precept, and all persons voluntarily attending before him, and may administer such oath: provided always, that no person shall be obliged to travel in obedience to any such precept more than ten miles from his place of abode.

13. If any person wilfully give false evidence upon any examination under this act, every person so offending shall be deemed guilty of a misdemeanour.

14. If any person from whom the said board, or any inspector, is authorised to require any account or statement or answers to any questions or inquiries, or whose attendance any inspector is authorised to require, shall refuse or wilfully neglect to render to the said board such account or statement, or to make answers to such questions or inquiries, or to attend in obedience to any lawful precept of any inspector, or to give evidence before him, or shall wilfully alter, destroy, withhold, or refuse to produce any deed, paper, writing, instrument, or other document which may be lawfully required to be produced before any inspector of the said board, every person so offending shall be deemed and taken to have been guilty of a contempt of the High Court of Chancery, and shall be liable to be attached and committed by such Court on summary application by the commissioners to the same, and shall pay the costs of and attending such contempt as the said Court shall direct.

15. Provided always, that nothing herein contained shall extend to give to the said board or their inspectors any power of requiring from any person holding or claiming to hold any property whatsoever adversely to any charity, or free or discharged from any charitable trust or charge, any information, or the production of any deed or document whatever in relation to the property so held or claimed adversely, or any charitable trust or charge alleged to affect the same.

16. The said board shall receive and consider all applications which may be made to them by any trustee or other person having any concern in the management or administration of any charity, for their opinion, advice, or direction respecting such charity, or the management or administration thereof, or the estates, funds, property, or income thereof, or the ap-

plication thereof, or any question or dispute relating to the same respectively; and, if they so think fit, may, upon any such application, give such opinion or advice as they think expedient, subject to any judicial order or direction which may be subsequently made or given by any competent court or judge; and such opinion or advice shall be in writing, signed by two or more of the said commissioners, and sealed with the seal of the said commission; and every trustee and other person who shall act upon or in accordance with the opinion or advice given by the said board shall in respect of so acting be deemed and taken, so far as respects his own responsibility, to have acted in accordance with his trust; and no such judicial order or direction subsequently made or given by any court or judge shall have any such retrospective effect as to interfere with or impair the indemnity by this act given to trustees and other persons who have acted upon or in accordance with such opinion or advice of the said board: provided always, that nothing herein contained shall extend to indemnify any trustee or other person for any act done in accordance with the opinion or advice of the said board, if such trustee or other person have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion or advice.

17. Before any suit, petition, or other proceeding (not being an application in any suit or matter actually pending) for obtaining any relief, order, or direction concerning or relating to any charity, or the estate, funds, property, or income thereof, shall be commenced, presented, or taken by any person whomsoever, there shall be transmitted by such person, to the said board, notice in writing of such proposed suit, petition, or proceeding, and such statement, information, and particulars as may be requisite or proper, or may be required from time to time by the said board, for explaining the nature and objects thereof; and the said board, if upon consideration of the circumstances they so think fit, may, by an order or certificate signed by their secretary, authorise or direct any suit, petition, or other proceeding to be commenced, presented, or taken with respect to such charity, either for the objects and in the manner specified or mentioned in such notice, or for such other objects, and in such manner and form, and subject to such stipulations or provisions for securing the charity against liability to any costs or expenses, and to such other stipulations or provisions for the protection or benefit of the charity, as the said board may think proper; and such board, if it seem proper to them, may, by such order or certificate as aforesaid, require and direct that any proceeding, so authorised by them in respect of any charity, shall be delayed during such period as shall seem proper to and shall be directed by such board; and every such order or certificate may be in such form and may contain such statements and particulars as such board shall think fit; and (save as herein otherwise provided) no suit, petition, or other proceeding for obtaining any such relief, order, or direction as last aforesaid shall be entertained or proceeded with by the Court of Chancery, or by any court or judge, except upon and in conformity with an order or certificate of the said board: provided always, that this enactment shall not extend to or affect any such petition or proceeding in which any person shall claim any property or seek any relief adversely to any charity.

18. Provided always, that it shall be lawful for her Majesty's Attorney-General acting ex officio to make such applications, and take and prosecute such proceedings with respect to any charity, in the Court of Chancery or otherwise, as to him may seem fit, as if this act had not been passed; and that nothing in this act contained shall be construed as dispensing with the fiat or allowance of her Majesty's Attorney-General with respect to any proceeding not being an application under the jurisdiction created by this act where such fiat or allowance was necessary before the passing of this act.

19. Provided also, that where upon any report of any inspector under this act or otherwise it appears to the said board that any suit, petition, or other proceeding concerning or relating to any charity, or the estate, funds, property, or income thereof, would be proper or expedient, it shall be lawful for the said board by their order to authorise or direct such suit, petition, or proceeding to be commenced, presented, or taken, and to give such directions in relation thereto as the said board may think proper; and thereupon such suit, petition, or proceeding may be commenced, presented, or taken accordingly, without any such previous notice in writing as hereinbefore mentioned; and the said board, before giving any such opinion,

advice, or direction upon any such application as aforesaid, or making any such order or certificate after notice to them as aforesaid, may, where local inquiry appears to them to be requisite, cause such inquiry to be made by one of their inspectors; and the said board may, in any case where they see fit, before acting upon the report of any inspector, cause such report to be deposited for local inspection, and give notice of the same being so deposited, and consider any statements or objections which may be transmitted to them in relation thereto.

20. In any case in which it shall appear to the said board that the institution of legal proceedings is requisite or desirable with respect to any charity, or the estates, funds, property, or affairs thereof, and that under the circumstances thereof it is desirable that such proceedings should be instituted by the Attorney-General, it shall be lawful for the said board, if they so think fit, to certify such case, in writing under the hand of the secretary of the said board, to her Majesty's Attorney-General, together with such statements and particulars (if any) as in the opinion of the said board may be requisite or proper for the explanation of such case; and thereupon the said Attorney-General, if upon consideration of the circumstances he think fit, shall institute and prosecute such legal proceedings as he shall consider requisite or proper under the circumstances of such case, by information or petition in the Court of Chancery, or by application to a judge thereof at chambers, or to a district court of bankruptcy, or county court under the jurisdiction given by this act.

21. If in any case it appear to the trustees or persons for the time being acting in the administration or management of any charity, or the estates or property thereof, that any part of the charity lands or estates may be beneficially let on building, repairing, improving, or other leases, or on leases for working any mine, or that the digging for or raising of stone, clay, gravel, or other minerals, or the cutting of timber, would be for the benefit of the charity, or that it would be for the benefit of such charity that any new road or street should be formed or laid out, or any drains or sewers made through any part of the charity estates, or that any new building should be erected, or that any existing building should be repaired, altered, rebuilt, or wholly removed, or that any other improvements or alterations in the state or condition of the lands or estates of such charity should be made, it shall be lawful for such trustees or persons to lay before the said board a statement and proposal in relation to any of the matters aforesaid; and it shall be lawful for the said board, if they think that the leases or acts to which the statement and proposal relate (with or without modifications or alterations) would be beneficial to the charity, to make such order under their seal for and in relation to the granting of such leases, or the doing of any other such acts as aforesaid, and any circumstances connected therewith, as they may think fit, although such leases or acts respectively shall not be authorised or permitted by the trust; and the said board, by any such order, may authorise the application of any monies or funds belonging to the charity for any of the purposes or acts aforesaid, and, if necessary, may authorise the trustees to raise any sum of money by mortgage of all or any part of the charity estates; provided that compulsory provisions be reserved in every such mortgage for the payment of the principal money borrowed by annual instalments, and for the redemption and conveyance of the mortgaged estates, within the period of not more than thirty years.

22. It shall be lawful for the board, upon proof to their satisfaction that any schoolmaster or schoolmistress or other officer of any charity has been negligent in performing his or her duties, or that he or she is unfit or incompetent to discharge them properly, either from immoral conduct, age, or any other cause whatsoever, to empower the trustees of such charity to remove such schoolmaster or mistress or other officer, and to charge the salary of his or her successors, or any other portion of the revenues of the charity, with such retiring pension or allowance, if any, in favour of the person so removed, and generally to impose such conditions as to the said board shall appear proper: provided always, that where there shall be any special visitor of the charity, the consent of such visitor, in writing under his hand, shall be necessary in order to such removal.

23. If in any case it appear to the trustees or persons acting in the administration of any charity that any claim or demand



or cause of suit against any person in relation to such charity may, with advantage to the charity, or should under the special circumstances of the case, be compromised or adjusted without taking or without continuing any proceedings at law or in equity, such trustees or persons may, or the person against whom such claim, demand, or cause of suit exists or is alleged to exist may, with the consent of the trustees or persons acting in the administration of such charity, submit to the said board a statement and proposal for such compromise or adjustment; and if it appear to the said board, after such inquiry in relation thereto by one of their inspectors as they may deem requisite or otherwise, that such proposal, either with or without any modification, is fit and proper, and for the benefit of the charity, it shall be lawful for the said board to make such order for and in relation to such compromise or adjustment as they may think fit; and upon the due performance of the terms and conditions of such compromise or adjustment as aforesaid, such agreement shall be a final bar to all actions, suits, claims, and demands by or on behalf of the charity concerned therein, in respect to the cause of action, suit, or matter in respect to which such compromise or adjustment shall have been made.

24. Upon application to the said board by the trustees or persons acting in the administration of any charity, representing to the said board, that under the special circumstances of any land belonging to the charity, a sale or exchange of such land can be effected on such terms as to increase the income of the charity, or would otherwise be advantageous to the charity, such board may, if they think fit, inquire into such circumstances, and if after inquiry they are satisfied that the proposed sale or exchange will be advantageous to the charity, may authorise the sale or exchange, and give such directions in relation thereto, and for securing the due investment of the money arising from any such sale, or by way of equality of exchange for the benefit of the charity, as they may think fit.

25. The said board shall have authority, upon such application as aforesaid, to authorise the sale to the owners of the land charged therewith of any rent-charge, annuity, or other periodical payment charged upon land, and payable to or for the benefit of any charity, or applicable to charitable purposes, upon such terms and conditions as they may deem beneficial to the charity, and to give such directions for securing the due investment of the money arising from such sale for the benefit of the charity, or for securing the due application thereof to such charitable purposes, as they may think fit; and in like manner the trustees of any charity, with the consent of the board, may purchase any rent-charge or other yearly payment to which the charity estate is or shall be liable.

26. The leases, sales, exchanges, and other transactions authorised by such board, under the powers of this act, shall have the like effect and validity as if they had been authorised or directed by the express terms of the trust affecting the charity.

27. Where any land shall be required for the erection or construction of any house or building, with or without garden, playground, or other appurtenances, for the purposes of any charity, and the trustees of the charity shall be legally authorised to purchase and hold such land, but by reason of the disability of any person having an estate or interest in such land, or of any defect in title thereto, a valid and perfect assurance of the same land cannot be made to the trustees of the charity in the ordinary manner, it shall be lawful for the trustees of the charity, with the sanction of the said board, (such sanction to be certified under the hand of their secretary), to take and purchase such land according to the provisions of the Lands Clauses Consolidation Act, 1845; and for that purpose all the clauses and provisions of the last-mentioned act with respect to the purchase of lands by agreement, and with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making a title, and also with respect to conveyances of lands, so far as the same clauses and provisions respectively are applicable to the cases contemplated by this provision, shall be incorporated in this act; and in all cases contemplated by this provision, the expression "the special act," used in the said clauses and provisions of the said Lands Clauses Consolidation Act, shall be construed to mean this act; and the expression "the promoters of the undertaking," used in the same clauses and provisions, shall be construed to mean the trustees of the charity in question.

28. Where the appointment or removal of any trustee, or any other relief, order, or direction relating to any charity of which the gross annual income for the time being exceeds 30*l.*, shall be considered desirable, and such appointment, removal, or other relief, order, or direction might now be made or given by the Court of Chancery, in respect either of its ordinary or its special or statutory jurisdiction, or by the Lord Chancellor intrusted with the care and commitment of the custody of lunatics, it shall be lawful for any person authorised in this behalf by the order or certificate of the said board, or for the Attorney-General, to make application (without any information, bill, or petition) to the Master of the Rolls or one of the Vice-Chancellors, sitting at chambers, for such order, direction, or relief as the nature of the case may require; and the Master of the Rolls or the Vice-Chancellor to whom any such application shall be made shall and may proceed upon and dispose of such application in chambers, save where he may think fit otherwise to direct, and shall and may have and exercise thereupon all such jurisdiction, power, and authority, and make such orders and give such directions in relation to the matter of such application, as might now be exercised, made, or given by the Court of Chancery, or by the Lord Chancellor intrusted as aforesaid, in a suit regularly instituted, or upon petition, as the case may require; and the Master of the Rolls and Vice-Chancellors respectively shall, in relation to such applications as aforesaid, and the proceedings thereon, (subject to any rules which may be made by the Lord Chancellor, with the advice and consent of them or any two of them), have all such powers of directing matters to be heard in open court, and of ordering what matters shall be heard and investigated by themselves and their chief clerks respectively, and such other powers and authorities as by the act of the last session of Parliament [15 & 16 Vict. c. 80] are vested in or authorised to be exercised by them at chambers, and the provisions of the said act applicable to orders made by the Master of the Rolls or any of the Vice-Chancellors at chambers shall extend to all orders so made under this act: provided always, that, save as may be otherwise provided by any rules to be made by the Lord Chancellor, with such advice and consent as aforesaid, the determinations of the Master of the Rolls and Vice-Chancellors respectively upon and in relation to such applications as aforesaid shall not be subject to appeal in any case where the gross annual income of the charity does not exceed 100*l.*: provided also, that it shall be lawful for the Master of the Rolls or any Vice-Chancellor, where under the circumstances of any application, as aforesaid he may so see fit, to direct that for obtaining the relief, order, or direction sought for by such application, an information, bill, or petition, as the case may require, shall be filed or presented and prosecuted as now by law required, and to abstain from further proceeding on such application.

29. The jurisdiction created and given by this act to the Master of the Rolls and the Vice-Chancellors sitting in chambers, upon any application to them respectively as aforesaid, shall extend concurrently to and may be exercised by the Chancellor of the duchy and county palatine of Lancaster and the Vice-Chancellor of the same county palatine respectively for the time being, as to every charity within the jurisdiction of the Court of Chancery of the said county palatine whose gross annual income for the time being exceeds 30*l.*, upon application being made to such Chancellor or Vice-Chancellor respectively; and it shall be lawful for the Chancellor of the said duchy and county palatine, with the concurrence of the Vice-Chancellor of the same county palatine, from time to time to make and issue any rules and orders for regulating the modes of proceeding, and the fees to be taken in respect of proceedings under this act.

30. Provided always, that the provisions of this act applicable to any charity the gross annual income whereof exceeds 30*l.* shall extend to any charity established or administered or applicable to or for objects or purposes within the city of London the gross annual income whereof does not exceed 30*l.*, in like manner as if such income exceeded that amount.

31. It shall be lawful for the Lord Chancellor, with the advice and consent of the Master of the Rolls and Vice-Chancellors, or any two of them, to make and issue general rules and orders for regulating the mode and form of applications at the chambers of the Master of the Rolls and Vice-Chancellors respectively under this act, and the proceedings thereon, and for determining in what cases and under what conditions and restrictions the determinations of the Master of the Rolls and

Vice-Chancellors respectively upon or in relation to such applications shall be subject to appeal, and the fees and allowances to solicitors of the Court of Chancery, and the fees to be payable in money or by stamps to the officers of the said court in respect of such applications and proceedings thereon; and such rules and orders may from time to time be varied by the like authority, and all such rules and orders shall be deemed general orders of the said court.

32. Where any charity of which the gross annual income for the time being does not exceed 30*l.* shall be established or administered or be applicable wholly or partially to or for objects or purposes within the district, or any two or more of the districts, of any district court of bankruptcy or of any county court or courts holden under the act of the session holden in the 9 & 10 Vict. c. 95, and the appointment or removal of any trustee, or any other relief, order, or direction whatsoever concerning such charity, shall be considered desirable, and such appointment or removal, or other relief, order, or direction, might now be made or given by the Court of Chancery in respect either of its ordinary or its special or statutory jurisdiction, or by the Lord Chancellor intrusted with the care and commitment of the custody of lunatics, it shall be lawful for any person authorised in this behalf by the order or certificate of the said board, or for the Attorney-General, to make application to such district or county court, or, as the case may be, to any one of such district or county courts, for such order, direction, or relief as the nature of the case may require; and such district or county court shall entertain such application, and shall hear the matter in open court, and shall give such relief, and make such orders and directions in relation to the matter of such application, as might now be made or given by the Court of Chancery, or by the Lord Chancellor intrusted as aforesaid, in a suit regularly instituted, or upon petition, as the case may require; and the clerk of such county court shall transmit a copy of such order or direction to the office in London of the registrar of county courts judgments, to be there enrolled: provided always, that no judge of any district or county court shall be authorised to vary any decree, order, or direction of the Court of Chancery, or of any judge thereof, or to make or give any order or direction inconsistent or conflicting with any such decree, order, or direction: provided also, that where two or more district or county courts shall have concurrent jurisdiction with respect to any charity under this act, no application in respect of such charity shall be made to or entertained by more than one of such district or county courts at the same time.

33. The jurisdiction hereby created and conferred on the county courts with respect to any charity shall not be exercised by any deputy or other person who may for the time being be appointed to sit and shall be sitting for any such judge.

34. Where two or more district courts of bankruptcy or county courts shall concurrently have jurisdiction under this act with respect to any charity, it shall be lawful for the said board to order to which of such courts any application with respect to such charity shall be made; and every such order shall be conclusive as to the jurisdiction with respect to the application referred to in such order.

35. It shall be lawful for the said board to direct that any application as to any charity within the jurisdiction of any district court of bankruptcy or county court shall be made before a judge of the Court of Chancery, or as to any charity within the jurisdiction of the Court of Chancery of the county palatine of Lancaster, either before the Chancellor or the Vice-Chancellor of the same county palatine, or before a judge of the High Court of Chancery, according to the provisions herein contained applicable to a charity the gross annual income whereof exceeds 30*l.*, and in such case such application shall be made and may be heard and determined accordingly, in like manner as if the gross annual income of such charity exceeded 30*l.*; and upon the production of the order or certificate containing such direction, or of a copy thereof, the application with respect to which such order or certificate shall have been made shall not be entertained or proceeded with by such district or county court.

36. Whenever any order or decision is made by any district court of bankruptcy or county court for the appointment or removal of any trustee of any charity, or approving of any scheme for regulating or directing the administration of any charity, or the estate, funds, property, or income thereof, a copy of every such order or decision shall immediately upon

the making thereof be delivered or transmitted by the deputy registrar of such district court or by the clerk of the county court, as the case may be, together with all requisite particulars, to the said board, for the purpose of being considered by them; and no such order or decision shall be valid or effectual until the same shall have been approved by the said board, such approval to be testified by a certificate in writing, signed by the secretary of the said board, and no such approval shall issue from the said board until one calendar month shall have elapsed after the receipt by the board of such copy and particulars.

37. In case any such order or decision as last aforesaid of any district court of bankruptcy or county court shall not be approved by the said board, it shall be lawful for such board to remit the same for reconsideration and decision by such district or county court, with such remarks and recommendations thereon (if any) as shall seem fit and expedient to such board, or, in the discretion of the board, to order and direct that the subject-matter to which such order or decision relates, together with such order or decision, shall be submitted to the consideration and decision of a judge of the Court of Chancery, and in such last-mentioned case no further proceedings shall be had or taken in the district or county court with respect to the matter in question; and in case the order or decision of the district or county court, on the reconsideration of any order or decision so remitted for reconsideration, be disapproved as aforesaid by the said board, such board shall refer such orders and decisions, and the subject-matter thereof, to a judge of the Court of Chancery, or, as to any charity within the jurisdiction of the Court of Chancery of the county palatine of Lancaster, either to the Chancellor or the Vice-Chancellor of the same county palatine, or to a judge of the High Court of Chancery; and where any order or decision is referred to a judge of the Court of Chancery, or of the Court of Chancery of the said county palatine of Lancaster, under this provision, such judge shall have and exercise all such jurisdiction, power, and authority in relation thereto as in the case of a charity the gross annual income whereof exceeds 30*l.*, and may make such order in relation to the matter of such order or decision as to him may seem proper.

38. Subject to any orders to be made by the Lord Chancellor as hereinafter mentioned, and to the other provisions of this act, all proceedings to be taken in any district court of bankruptcy or county court, and all orders and directions to be made or given by any such district court or county court by virtue of the jurisdiction hereby created and conferred on such court, shall respectively be subject to the same rules and regulations, and have the same effect, and be registered, enforced, and executed in the same manner, as the other proceedings, orders, judgments, and directions of the same court under its ordinary jurisdiction, and it shall be lawful for any such district court, or for any county court, with the consent of the board, to rescind or vary any order which shall have been previously made by such court, without prejudice to any act or matter in the meantime done under such order; and for executing and putting in force any order to be made by any county court under this act, every judge of any such court shall and may have and exercise all such powers as by the act of the 9 & 10 Vict. c. 95, are given for enforcing the payment of any debt, damages, or costs under the said act.

(To be continued).

### London Gazette.

FRIDAY, OCTOBER 14.

#### BANKRUPTS.

OWEN STURGIS and WILLIAM ADAMS, College Villas, New Finchley-road, St. John's-wood, Middlesex, builders, dealers and chapmen, Oct. 24 at 2, and Dec. 1 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Lawrence & Co., Old Jewry-chambers. — Petition filed Oct. 12.

JOSEPH WHITE, East Cowes, Isle of Wight, Southampton, ship builder, dealer and chapman, Oct. 26 at half-past 12, and Nov. 23 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Lawrence & Co., Old Jewry-chambers, City. — Petition filed Sept. 7.

**JOHN HUNTER**, Hove, Sussex, cowkeeper, dealer and chapman, Oct. 24 at 1, and Dec. 1 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Stackey, Brighton; Cotterill, Throgmorton-street.—Petition filed Oct. 10.

**JAMES HOLBECK**, Marybone-st., Golden-square, Middlesex, gold laceman, dealer and chapman, Oct. 22 at 11, and Dec. 3 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Vincent & Freeman, 8, Staple-inn, London.—Petition dated Oct. 13.

**EDWARD ROE BENSLEY**, Cornwall-cottage, Hornsey-road, Holloway, Middlesex, builder, Nov. 1 at half-past 1, and Nov. 29 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lawrence, 6, Gray's-inn, London.—Petition filed Oct. 11.

**FREDERICK PAYTON**, Birmingham, brick maker, Oct. 25 and Nov. 22 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. East, Birmingham.—Petition dated Oct. 5.

**HARRIET PEARCE**, Newport, Monmouthshire, publican, dealer and chapwoman, Oct. 25 and Nov. 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Brittan & Sons, Bristol.—Petition filed Oct. 10.

**WILLIAM BENNETT**, Foster Mill, near Hebdenbridge, Yorkshire, and Horwich, near Bolton, Lancashire, cotton spinner, dealer and chapman, Nov. 2 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Atkinsons & Co., Manchester.—Petition filed Oct. 11.

#### METTINGS.

*Francis Edmund Hayman Fowler*, Brownlow-road, Dalston, Middlesex, and Frederick's-place, Vauxhall-road, Surrey, builder, Nov. 7 at 2, Court of Bankruptcy, London, aud. ac.—*John William Haylock*, Lawrence-street, Chelsea, Middlesex, licensed victualler, Nov. 1 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Bates* and *Charles Hitchman*, Addle-st., London, and Bristol and Birmingham, straw-plait dealers, Nov. 1 at 1, Court of Bankruptcy, London, aud. ac.—*Nathaniel Bradford Pierpoint*, Little Pultney-st., Golden-square, Middlesex, surgeon, Nov. 1 at 2, Court of Bankruptcy, London, aud. ac.—*Benjamin Clark*, Gloucester-terrace, Hyde-park-gardens, Middlesex, dentist, Nov. 1 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. Pickering*, Piccadilly, Middlesex, bookseller, Nov. 4 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. H. Dee*, Cambridge, plumber, Nov. 4 at 1, Court of Bankruptcy, London, aud. ac.—*Henry H. Driver*, Moorgate-street, London, stationer, Nov. 4 at 1, Court of Bankruptcy, London, aud. ac.—*Joseph Newbold*, Barton-under-Needwood, Staffordshire, innkeeper, Nov. 5 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Charles Burrows*, East Stonehouse, and *John Gliddon*, Plymouth, Devonshire, brewers, Nov. 14 at half-past 1, District Court of Bankruptcy, Plymouth, aud. ac.; Nov. 18 at half-past 1, div.—*Henry Andrew Bacon*, Sheffield, Yorkshire, printer, Oct. 29 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*Thomas Dixon*, Bradford, Yorkshire, iron merchant, Oct. 27 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Hogarth*, Thames Tunnel Iron Wharf, Rotherhithe-street, Rotherhithe, Surrey, iron merchant, Nov. 7 at 1, Court of Bankruptcy, London, div.—*L. F. Bellot*, Old Jewry-chambers, London, merchant, Nov. 7 at 12, Court of Bankruptcy, London, div.—*Benj. Hubble*, Deptford, Kent, victualler, Nov. 4 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Rollings*, Ingram-court, Fenchurch-street, London, wine merchant, Nov. 7 at 1, Court of Bankruptcy, London, div.—*Benjamin Rolfe* and *B. A. Moore*, Sackville-street, Piccadilly, Middlesex, tailors, Nov. 7 at 12, Court of Bankruptcy, London, div.—*Thomas Delf* and *Nicholas Trudner*, Paternoster-row, London, booksellers, Nov. 7 at 11, Court of Bankruptcy, London, div.—*Alexander Dalrymple*, Lime-street, London, merchant, Nov. 4 at half-past 1, Court of Bankruptcy, London, div.—*Thos. Foster*, Barge-yard, Bucklersbury, London, wine merchant, Nov. 7 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Chivers*, Pavement, Moorfields, London, licensed victualler, Nov. 7 at half-past 12, Court of Bankruptcy, London, div.—*Edward Green*, Cork-street, Westminster, Middlesex, tailor, Nov. 7 at 1, Court of Bankruptcy, London, div.—*Richard Faithfull*, King-street and George-st., Portman-square, Middlesex, coach builder, Nov. 4 at half-past 1, Court of Bankruptcy, London, div.—*John C. Teyman*, Ramsgate, Kent, upholsterer, Nov. 4 at half-past 1, Court of Bankruptcy, London, div.—*Henry Solomon*, Holborn-hill, Lon-

don, and Cumberland-place and Surrey-place, Old Kent-rd., Surrey, furniture broker, Nov. 5 at 1, Court of Bankruptcy, London, div.—*James D. Hendy*, Portsmouth, Southampton, builder, Nov. 5 at half-past 11, Court of Bankruptcy, London, div.—*Abraham Clarkson*, Reading, Berkshire, licensed victualler, Nov. 5 at 1, Court of Bankruptcy, London, div.—*J. Nash*, Lewisham, Kent, draper, Nov. 5 at half-past 11, Court of Bankruptcy, London, div.—*A. P. Capel*, Witham, Essex, druggist, Nov. 5 at 11, Court of Bankruptcy, London, div.—*Wm. Buckle*, Pall-mall, Westminster, Middlesex, and Leaden-hall-street, London, master mariner, Nov. 8 at 11, Court of Bankruptcy, London, div.—*Herbert Ashton* and *S. Spriggs*, Aldermanbury, London, warehousemen, Nov. 11 at 1, Court of Bankruptcy, London, div. sep. est. of *H. Ashton*.—*Joseph Jukes*, West Bromwich and Rowley Regis, Staffordshire, nail manufacturer, Nov. 5 at 10, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Jules Artigues*, Mark-lane, London, general merchant, Nov. 5 at 12, Court of Bankruptcy, London.—*Henry Bates* and *Chas. Hitchman*, Addle-street, London, and Bristol and Birmingham, straw-plait dealers, Nov. 11 at 12, Court of Bankruptcy, London.—*William Winter*, Hawkhurst, Kent, builder, Nov. 4 at 1, Court of Bankruptcy, London.—*Francis E. H. Fowler*, Brownlow-road, Dalston, Middlesex, builder, Nov. 7 at 2, Court of Bankruptcy, London.—*William Jones*, Kentish-buildings, Southwark, Surrey, and Rood-lane, London, hop merchant, Nov. 4 at half-past twelve, Court of Bankruptcy, London.—*Thos. Halmer*, Abbey-street, Bermondsey, Surrey, engineer, Nov. 4 at 1, Court of Bankruptcy, London.—*James William Hendy*, Portsmouth, Southampton, builder, Nov. 5 at half-past 11, Court of Bankruptcy, London.—*Geo. Dexter*, Egham, Surrey, coal dealer, Nov. 4 at 1, Court of Bankruptcy, London.—*Stephen Davey*, Brighton, Sussex, builder, Nov. 7 at 1, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*Wm. Wood*, Grand Junction-terrace, Edgeware-road, Paddington, Middlesex, stationer.—*F. Langan*, Chapel-place, Oxford-street, Middlesex, wine merchant.—*Jas. W. Havers*, Judd-street, Middlesex, draper.—*Donald Macfie*, Edgeware-road, Middlesex, draper.—*Joseph Bates*, Stevenage, Hertfordshire, builder.—*Richard B. Bradley*, Bishopsgate-street Without, London, jeweller.—*Henry Ross*, Bruton, Somersetshire, carpenter.—*Thomas Kent Clay*, Ironmonger-lane, London, woollen warehouseman.—*William Conway*, Plymouth, Devonshire, builder.—*Chas. Clays*, Howarth-cross Mill, near Rochdale, Lancashire, press dyer.

#### SOURCE SEQUESTRATIONS.

*John Bowie*, Edinburgh, writer to the signet.—*Arthur Paterson*, Edinburgh, lace merchant.—*Archibald Macdonald*, Glasgow, Lanarkshire, fish dealer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*William Sutherland*, Birmingham, decorative painter, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—*Thos. Gretton Cottrell*, Birmingham, button tool maker, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—*William Harwood*, Aston, near Birmingham, machinist, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—*Charles Harwood*, Birmingham, machinist, Oct. 29 at 10, County Court of Warwickshire, at Birmingham.—*Robt. Stott*, Lower Shore, near Littleborough, Rochdale, Lancashire, joiner, Nov. 3 at 12, County Court of Lancashire, at Rochdale.—*Wm. Henry Jackson*, Glossop, Derbyshire, surgeon accoucheur, Oct. 24 at 12, County Court of Derbyshire, at Glossop.—*Joseph Wright*, Rushall, Staffordshire, baker, Oct. 21 at 10, County Court of Staffordshire, at Walsall.—*Enoch Scott*, Walsall, Staffordshire, shopman to a shoe manufacturer, Oct. 21 at 10, County Court of Staffordshire, at Walsall.—*Joseph Jefferies*, Horfield, Gloucestershire, farmer, Nov. 23 at 11, County Court of Gloucestershire, at Bristol.—*George Betley*, Bristol, milkman, Nov. 9 at 11, County Court of Gloucestershire, at Bristol.—*Thomas Page*, Brighton, out of business, Oct. 22 at 11, County Court of Sussex, at Brighton.—*John A. Ervedge*, Brighton, schoolmaster, Oct. 22 at 10,

County Court of Sussex, at Brighton.—*Daniel T. M'Carthy*, Bristol, paper dealer, Nov. 9 at 11, County Court of Gloucestershire, at Bristol.—*James Kirkman*, Salford, Lancashire, labourer, Oct. 26 at 1, County Court of Lancashire, at Salford.—*Peter Powell*, Stonehouse, Gloucestershire, grocer, Nov. 9 at 11, County Court of Gloucestershire, at Stroud.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 3 at 10, before the CHIEF COMMISSIONER.*

*Wm. S. Scott*, London-place, London-fields, Hackney, Middlesex, general agent.—*George Baker* the elder, Crown-court, Chancery-lane, London, poultry salesman.

*Nov. 3 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. J. Rammell*, Sion-row, Twickenham, Middlesex, out of business.—*George Umpelby*, Charlotte-terrace, New-cut, Lambeth, Surrey, shoemaker.—*Edmund Fulluck*, Philpot-st., Commercial-road East, Middlesex, model maker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Buckinghamshire, at AYLESBURY, Oct. 27 at 10.*

*John Baddock*, Aylesbury, foreman to a tailor.

*At the County Court of Montgomeryshire, at WELSHPOOL, Oct. 27 at 12.*

*Thos. Owen*, Llandiloes, mine agent.

*At the County Court of Derbyshire, at DERBY, Oct. 29 at 12.*

*Wm. Turner*, South Wingfield, near Alfreton, tailor.

*At the County Court of Norfolk, at NORWICH, Oct. 31.*

*Robert Blasey*, Norwich, out of business.—*Henry Welch Cuttermole*, Great Yarmouth, out of business.—*R. Barnes*, King's Lynn, fisherman.—*Samuel Covel*, Worstead, farm labourer.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, Oct. 31 at 10.*

*Joseph P. Hastings*, South Dene, Great Yarmouth, boat builder.

*At the County Court of Sussex, at LEWES, Oct. 31.*

*John Crouch*, Hastings, butcher.

*At the County Court of Gloucestershire, at GLOUCESTER, Nov. 28 at 10.*

*John Perrott*, Tewkesbury, boat owner.

## TUESDAY, OCTOBER 18.

### BANKRUPTS.

**EDWARD ABLEWHITE**, Mortimer-street, Cavendish-square, Middlesex, coach builder, dealer and chapman, Oct. 27 at 2, and Nov. 29 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Abrahams, 23, Southampton-buildings, Chancery-lane.—Petition filed Oct. 14.

**JOHN SAYERS**, High-street, Wandsworth, Surrey, carpenter and upholsterer, Oct. 27 at 11, and Nov. 29 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Whitfield, 1, Mitre-court, Temple.—Petition filed Oct. 18.

**HENRY MILES HAVILAND**, Ivy House Farm, Denham, Buckinghamshire, cowkeeper, Oct. 25 at 11, and Nov. 29 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Church & Son, 9, Bedford-row.—Petition filed Oct. 14.

**SAMUEL JAMES LUCAS**, Hingham, Norfolk, grocer and draper, dealer and chapman, Oct. 29 at 2, and Dec. 3 at half-past 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Trehern & White, 13, Barge-yard-chambers, Bucklersbury.—Petition dated Oct. 14.

**WILLIAM HAINS COLLINS**, Chepstow, Monmouthshire, grocer, dealer and chapman, Oct. 31 at 12, and Nov. 30 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Trenerry, Bristol.—Petition filed Oct. 7.

**WILLIAM SHAW and ISAAC SHAW**, Macclesfield, Cheshire, joiners and builders, dealers and chapmen, (the said William Shaw being also a provision dealer), Oct. 28 and Nov. 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester; Ashurst & Son, Old Jewry, London.—Petition filed Oct. 10.

**HENRY TURBEVILLE EDWARDS**, Liverpool, builder, dealer and chapman, Oct. 28 and Nov. 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Dodge, Liverpool.—Petition filed Oct. 15.

**JOHN CUBBON**, Liverpool, joiner and builder, dealer and chapman, Nov. 2 and 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Dodge, Liverpool.—Petition filed Oct. 15.

**EDWARD HARPER**, Stamford, Lincolnshire, draper, Oct. 28 and Nov. 18 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Worthington & Shipman, Manchester; Motteram & Knight, Birmingham.—Petition dated Oct. 8.

### MEETINGS.

*John Scott*, Titchbourne-street, Haymarket, Middlesex, hostler, Nov. 8 at 1, Court of Bankruptcy, London, and ac.—*George Franks*, Blackfriars-road, Surrey, surgeon, Nov. 8 at 2, Court of Bankruptcy, London, and ac.—*Henry Ylles*, Old Broad-street, London, merchant, Nov. 8 at 12, Court of Bankruptcy, London, and ac.—*Benj. Rolfe and B. A. Moore*, Sackville-street, Piccadilly, Middlesex, tailors, Nov. 3 at half-past 12, Court of Bankruptcy, London, and ac.—*Thos. Delf and Nicholas Trubner*, Paternoster-row, London, booksellers, Nov. 3 at 12, Court of Bankruptcy, London, and ac.—*Thomas Rollings*, Ingram-court, Fenchurch-street, London, wine merchant, Nov. 3 at half-past 12, Court of Bankruptcy, London, and ac.—*A. Dalrymple*, Lime-st., London, merchant, Nov. 3 at half-past 12, Court of Bankruptcy, London, and ac.—*T. Foster*, Barge-yard, Bucklersbury, London, wine merchant, Nov. 3 at 12, Court of Bankruptcy, London, and ac.—*Joseph Nash*, Lewisham, Kent, draper, Nov. 3 at 1, Court of Bankruptcy, London, and ac.—*T. Chivers*, Pavement, Moorfields, London, licensed victualler, Nov. 3 at 12, Court of Bankruptcy, London, and ac.—*James W. Hendy*, Portsmouth, Southampton, builder, Nov. 3 at 12, Court of Bankruptcy, London, and ac.—*Edward Green*, Cork-street, St. James's, Westminster, Middlesex, tailor, Nov. 2 at half-past 12, Court of Bankruptcy, London, and ac.—*Alfred Pinkers Capel*, Witham, Essex, druggist, Nov. 3 at 1, Court of Bankruptcy, London, and ac.—*Abraham Clarkson*, Reading, Berkshire, licensed victualler, Nov. 3 at 12, Court of Bankruptcy, London, and ac.—*John C. Twyman*, Ramsgate, Kent, upholsterer, Nov. 3 at 1, Court of Bankruptcy, London, and ac.—*Richard Faithfull*, King-street and George-street, Portman-square, Middlesex, coachbuilder, Nov. 3 at 1, Court of Bankruptcy, London, and ac.—*J. Higginson and Richard Deme*, Liverpool and Barbadoes, merchants, Oct. 28 at 11, District Court of Bankruptcy, Liverpool, and ac. joint est.; Nov. 13 at 11, and ac. sep. est. of *R. Deane*.—*J. Newman*, Nibley, Westerleigh, Gloucestershire, innkeeper, Oct. 28 at 12, District Court of Bankruptcy, Bristol, and ac.—*E. W. Jewins and E. Atkinson*, Charlotte-terrace, New-cut, Lambeth, Surrey, linendrapers, Nov. 10 at 1, Court of Bankruptcy, London, div.—*Edward Brewster and Edward West*, Hand-court, Dowgate, London, printers, Nov. 10 at half-past 1, Court of Bankruptcy, London, div.—*Henry Winchester*, Buckingham-street, Strand, Middlesex, stationer, Nov. 8 at 1, Court of Bankruptcy, London, div.—*W. Robinson*, Maidstone, Kent, linendraper, Nov. 8 at half-past 12, Court of Bankruptcy, London, div.—*James Black and Rupert Cope*, Vulcan-wharf, Earl-street, Blackfriars, London, iron merchants, Nov. 8 at 12, Court of Bankruptcy, London, div.—*Marius Merenti*, King William-street, London, merchant, Nov. 2 at 12, Court of Bankruptcy, London, fin. div.—*G. Boggs, W. Taylor, and W. Shand the younger*, Great Winchester-street, London, merchants, Nov. 8 at half-past 11, Court of Bankruptcy, London, fin. div.—*James Millard*, Reading, Berkshire, coppermith, Nov. 15 at 12, Court of Bankruptcy, London, fin. div.—*Johs Dobson*, High Holborn, St. Giles-in-the-Fields, Middlesex, mathematical drawing instrument maker, Nov. 15 at 1, Court of Bankruptcy, London, div.—*Henry Calvert*, Petersfield, Southampton, woollendraper, Nov. 5 at half-past 12, Court of Bankruptcy, London, div.—*Henry Stone*, Edgeware-road, Middlesex, harness maker, Nov. 11 at 12, Court of Bankruptcy, London, div.—*J. H. Duane and J. Venables*, Craven-street, Strand, Middlesex, shipowners, Nov. 11 at 11, Court of Bankruptcy, London, div.—*Mary Davis*, Bristol, spirit dealer, Nov. 17 at 11, District Court of Bankruptcy, Bristol, div.—*Richard Budgen*, Llanhilleth, near Newport, Monmouthshire, ironfounder, Nov. 10 at 11, District Court of Bankruptcy, Bristol, fin. div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Michael Cusfield*, Basinghall-street, London, woollen warehouseman, Nov. 9 at half-past 1, Court of Bankruptcy, London.—*Wm. Miller*, Dorking, Surrey, auctioneer, Nov. 8 at half-past 11, Court of Bankruptcy, London.—*Frederick W. Strickland*, Kensington-crescent, Kensington, and Symond's-lane, Chancery-lane, Middlesex, wine merchant, Nov. 8 at half-past 1, Court of Bankruptcy, London.—*W. Barton*, Islington, Middlesex, licensed victualler, Nov. 8 at half-past 12, Court of Bankruptcy, London.—*Henry Armstrong*, Norwich, linendraper, Nov. 10 at 11, Court of Bankruptcy, London.—*Harry Ashdown*, Welling, East Wickham, Kent, wheelwright, Nov. 15 at 12, Court of Bankruptcy, London.—*Isaac King*, Bull-head-court, Newgate-street, London, carpenter, Nov. 15 at 2, Court of Bankruptcy, London.

To be granted, unless an Appeal be duly entered.

*Richard Williams*, New Brentford, Middlesex, shoemaker.—*George Augustus Eddes*, Landport, Portsea, Hampshire, grocer.—*John Francis Bricknell Cabburn*, Cumberland-row, King's-cross, St. Pancras, Middlesex, licensed victualler.—*J. Aeria*, Wisbeach, Cambridgeshire, draper.—*J. M. Lachlan*, Spital-sq., Middlesex, auctioneer.—*Wm. Elgood*, Leicester, merchant.—*Chas. Fletcher*, Derby, card-board manufacturer.

## PETITION ANNULLLED.

*Elizabeth Agar*, York, grocer.

## PARTNERSHIP DISSOLVED.

*John Wm. Wall* and *Samuel Wittey*, (under the firm of Wall & Wittey), Devizes, Wiltshire, attorneys, solicitors, and conveyancers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*John Perfect*, Heigham, Norwich, basket maker, Oct. 29 at 10, County Court of Norfolk, at Norwich.—*William Nisbett*, Lavenham, Suffolk, butcher, Nov. 9 at 1, County Court of Suffolk, at Sudbury.—*Robert Jud*, Iron Acton, Gloucestershire, cattle dealer, Nov. 26 at 11, County Court of Gloucestershire, at Chipping Sodbury.—*John West Woodruff*, Worthing, Sussex, upholsterer, Oct. 24 at 11, County Court of Sussex, at Worthing.—*Joe. Freeman*, Datchworth, Hertfordshire, farmer, Oct. 24 at 11, County Court of Hertfordshire, at Hertford.—*Samuel Lambert*, Great Bridge, West Bromwich, Staffordshire, retail brewer, Oct. 26 at 9, County Court of Staffordshire, at Oldbury.—*Samuel Hulce*, Everton, Liverpool, out of business, Oct. 24 at 10, County Court of Lancashire, at Liverpool.

Saturday, Oct. 15.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*John Jones*, Tregunter, Talgarth, Breconshire, farmer, No. 76,763 C.; *John Pratt*, assignee.—*Herbert Young*, Birmingham, out of business, No. 76,827 C.; *John Birch* and *Christopher Ray*, assignees.—*Jonas Woodhead*, Clifton, near Halifax, Yorkshire, out of business, No. 77,065 C.; *Richard Latham*, assignee.—*Richard Atkinson Stead*, Chestwood, near Manchester, stonemason, No. 77,073 C.; *Wm. Henry Smith* the younger, assignee.

Saturday, Oct. 15.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*George Henry Cooper*, Castle-st. East, Oxford-st., Middlesex: in the Debtors Prison for London and Middlesex.—*John Burley*, Regent-st., Westminster, Middlesex, labourer: in the Debtors Prison for London and Middlesex.—*F. T. Burdus*, High-st., Kensington, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*Abraham North Luke*, St. George-st., St. George's-in-the-East, Middlesex, labourer: in the Debtors Prison for London and Middlesex.—*Thos. Chapman*, Chertsey-st., Bedford-square, Middlesex, milkman: in the Debtors Prison for London and Middlesex.—*Geo. Brown*, Greenman-st., Ewell, near Epsom, Surrey, farrier: in the Gaol of Surrey.—*Edgar Barnes*, Nichol-square, Hackney-road, Middlesex, mattress maker: in

the Debtors Prison for London and Middlesex.—*George Saunders*, Union-st., Southwark, Surrey, agent to the Anglo-Australian Insurance Company: in the Debtors Prison for London and Middlesex.—*John Peter Flinn*, Lisle-st., Leicester-square, Middlesex, licensed appraiser: in the Debtors Prison for London and Middlesex.—*Thos. Bateman Wilkinson*, Richmond-road, Bayswater, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*Frances Powell*, widow, York-place, Portman-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jas. Jos. Iron Syer*, Sylvan-grove, Old Kent-road, Surrey, undertaker: in the Gaol of Surrey.—*George Giles*, Natches-villas, New-road, Twickenham, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—*William Miller Harding*, Sydney-st., Fulham-road, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*John Inkpen*, Bridge-road, Battersea, Surrey, carpenter: in the Gaol of Surrey.

(On their own Petitions).

*John Crouch*, Hastings, Sussex, butcher: in the Gaol of Lewes.—*John Morgan*, Hereford, builder: in the Gaol of Hereford.—*Robert Blasey*, Norwich, out of business: in the Gaol of Norwich.—*Edmund Youngs*, Ramsey, near Harwich, Essex, lodging-house keeper: in the Gaol of Ipswich.—*Wm. K. Hannaford*, Totness, Devonshire, linendraper's assistant: in the Gaol of St. Thomas the Apostle.—*John Fisher*, Manchester, out of business: in the Gaol of Lancaster.—*Wm. Denisset* the younger, Sneinton, Nottinghamshire, brick maker: in the Gaol of Nottingham.—*William Honey*, Birkenhead, Cheshire, out of business: in the Gaol of Chester.—*C. Storry*, Southampton, steward of the Clyde steam-packet: in the Gaol of Southampton.—*Joseph P. Hastings*, South Deves, Great Yarmouth, Norfolk, boat builder: in the Gaol of Norwich.—*Hannah Adshead*, Hyde, Cheshire, out of business: in the Gaol of Chester.—*J. Ford*, Hough, near Wilsalaw, Cheshire, out of business: in the Gaol of Chester.—*S. Covel*, Worstead, Norfolk, farm labourer: in the Gaol of Norwich.—*Williams Edwards*, Lostock Gralam, near Northwich, Cheshire, out of business: in the Gaol of Chester.—*A. Lephram*, Llanvchrha, Lower Monmouthshire, licensed victualler: in the Gaol of Monmouth.—*Wm. Yates Knight*, Sheffield, Yorkshire, merchant's clerk: in the Gaol of York.—*Francis Williams*, Bitton, near Bristol, Gloucestershire, collier: in the Gaol of Gloucester.—*Thos. Ford*, Adswood, near Stockport, Cheshire, farmer's assistant: in the Gaol of Chester.—*J. Palk*, Devonport, Devonshire, victualler: in the Gaol of St. Thomas the Apostle.—*Michael Dillon*, Rochdale, Lancashire, fishmonger: in the Gaol of Lancaster.—*Wm. Sharples*, Blackburn, Lancashire, butcher: in the Gaol of Lancaster.—*Joseph Wilson*, Warrington, Lancashire, coach builder: in the Gaol of Lancaster.—*Thomas L. Cragg*, Blackpool, Lancashire, grocer: in the Gaol of Lancaster.—*John Craiggs*, New Church, near Haslingden, Lancashire, tailor: in the Gaol of Lancaster.—*Samuel Birks*, Lancaster, in no business: in the Gaol of Lancaster.—*Robert Fordham*, Bio Norton, Norfolk, miller: in the Gaol of Norwich.—*James Resterick*, Sidmouth, Devonshire, out of business: in the Gaol of St. Thomas the Apostle.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Cheshire, at CHESTER CASTLE, Oct. 31.

*Frankie Preston*, Lymm, druggist's assistant.—*W. Clough*, Ince, tailor.—*Hannah Adshead*, Hyde, out of business.—*William Edwards*, Lostock Gralam, near Northwich, out of business.—*Wm. Honey*, Birkenhead, out of business.—*John Ford*, Hough, near Wilsalaw, out of business.—*Thos. Ford*, Adswood, near Stockport, farmer's assistant.

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# The Jurist

No. 877—VOL. XVII. OCTOBER 29, 1853.

PRICE 1s.

NAME OF THE CASE REPORTED IN THIS NUMBER.

HOUSE OF LORDS.

Gosling v. Veley, (the Braintree Church-rate Case).—(Church-rate—Monition for Vestry to fix a Rate—Majority of Vestry refusing to make any Rate—Power of Minority—Prohibition—Sentence)..... 939

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LONDON, OCTOBER 29, 1853.

ON the eve of the meeting of the lawyers for the transaction of the business of the coming year, we will address ourselves to a few points which, in the present state of transition, are of importance as well to the Profession as to the public. The first is the state of the pecuniary relations between lawyers and their clients—that is, between solicitors and the public, and between counsel and their immediate clients, the solicitors. Nothing can possibly be in a more unhealthy state, or in a state less in harmony with the other existing relations of business.

Solicitors, it is true, have certain fixed charges, which they are authorised to make for their labour, and the law and custom of the Profession also allow them to enforce payment of their claims, just as any other man of business may enforce his claim for a just demand. But, unfortunately, it is well known to be a custom prevailing to an enormous extent between solicitors and their clients, and so general as to make it difficult to avoid it, to extend credit to a degree quite irreconcilable with the customary usages, as to credit, of any commercial business—quite irreconcilable with the due discharge by the solicitor, unless he is a man of fortune, of his general engagements, and more particularly of those engagements under which he is brought in his relations with counsel.

Counsel, on the other hand, are still, in this our thoroughly commercial and business-like age, fettered by the fiction of their fees being an honorarium—a gift of gratitude; instead of being, what they really are, a quid pro quo—a remuneration for business done. It might be well in the days of the Roman Bar, and it might be well in the days of the earlier Bar of this country, when few, if any, but men of independent fortune, and some rank, ever thought of going to the

Bar, and when the selection of the Bar, as a pursuit, by younger brothers, was made quite as much for the purpose of strengthening family influence, by the exercise of the protection of a patron, as for the purpose of pecuniary return—it might, we say, be well then to adopt and act upon the principle of the honorarium as between patron and client. But all that has long—very long—ceased. The barrister of this age is simply a man learned in the law, or skilled as an advocate, or both, who exercises his profession to live by it—to rise by it if he can, but primarily to live by it; and who no more dreams of being simply a patron, than a soldier thinks of fighting without pay. In that state of things, the quiddam honorarium theory is a mere theory—unsubstantial—based on no existing usage—not even based on any existing faith; and the time has come, or is coming, when it ought to be abolished.

The change on these points that is requisite is, that solicitors should greatly contract the credit they give to their clients; and that, as to the Bar, first, the notion of an honorarium should be scattered to the winds, and the remuneration of counsel should be a claim legally enforceable, like any other claim, for services performed; and, secondly, that on their part, the credit given by the Bar to their immediate clients should be also greatly contracted.

The next point relates more peculiarly to the pecuniary relation between the Bar and their clients. Pleadings being, both at common law and in equity, reduced to almost nothing (we speak, of course, of averages) in point of length, briefs are correspondingly reduced in size. But every pleader knows that the difficulty of drawing is rather increased, and every advocate knows that the difficulty of reading and arguing a brief is not diminished; yet the quiddam honorarium remains still as of old, regulated principally by the length. This is absurd and unjust, and cannot long be borne, even by so meek a body as the Bar, and it requires remedy.

We have long entertained, and we believe we have before this ventilated, and we now openly urge, the idea, that the true way to remedy the evil would be to abolish altogether the etiquette of uniformity of fees—that is, the notion that a fee of — guineas, whatever it may be, for any given piece of business, is the proper fee, less than which no one ought to take—more than which no one ought to demand. We suggest that it should be the *usage* for every barrister to mark his own fees, according to his own estimate, founded upon



his own judgment and observation, of his own value to the public.

There would be no danger of very excessive fees or very low fees being marked. A sense of fairness, and if not that, a sense of his own interest, would prevent any man from going to either extreme. And this at any rate *would* be prevented—the frequent compulsory acceptance of a remuneration quite inadequate for the labour bestowed, and, on the other hand, the occasional disbursement by the client of fees quite out of proportion to the rank and ability of the recipient, and the amount of intellectual exertion required from him. We are well aware that this suggestion is not likely at first to be very popular. It may be not the less sound. We do not, however, cling to it, if a better can be made; but we do cling to the assertion, that the present system is both ridiculous and unjust.

Another point, and this regards more the interest of the public than of either branch of the Profession, is this—whether pleaders at common law being exterminated, and equity pleaders, as such, nearly so, it would not be convenient to the public to restore to them the advantage of conferences, at pleader's fees. At present, as is well known, no counsel can give his client a conference for less than a guinea fee. It is also well known, that in the multiplicity of business now transacted at railway speed, questions are continually occurring in which counsel's verbal opinion is required, but which are too frequent and too small to bear the expense of an ordinary conference. The suitor must, therefore, go without it. What we should suggest is, that, having regard to the nature of the business now done, and the whole system of business, the suitors would be much benefited if the junior Bar relaxed its guinea rule as to conferences, and gave conferences on short points, at pleader's fees.

We have thus touched openly and in plain terms upon points hitherto held too sacredly delicate to be more than hinted at. But this is not an age for preserving fictions, or for talking of business in other than plain and business-like terms; and if we shall have called attention to the remedying of some serious evils, we shall be satisfied.

#### PUBLIC GENERAL STATUTES.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 412).

39. Where any person authorised to make any application under this act, (other than her Majesty's Attorney-General acting ex officio), or any other person who may have been made a party to any proceeding upon any application under this act, is aggrieved by or dissatisfied with any order made by any district court of bankruptcy or county court upon any such application, or any proceeding thereon, he may, within one calendar month after the making of such order, give notice in writing to the said court, and also to the said board, that he is desirous to appeal against the same; and if the said board think it reasonable and proper that such appeal should be entertained, and give a certificate to that effect, such district or county court shall suspend any proceedings upon the order appealed against during such time as the circumstances may require; and the said board, if they so think fit, may require the person giving any such notice of appeal to become bound with two sufficient sureties, to be approved by the deputy registrar of such district court, or by the clerk of the county court, as the case may be, to the treasurers of the said courts

respectively, or such other person as the said board may see fit, in such sum as to the said board shall seem reasonable, to pay such costs of the proceedings on the appeal as shall be ordered to be paid by such appellant, and also (if the said board so think fit) to indemnify the charity against the costs and expenses of or attending such appeal; and every bond executed under this provision shall be exempt from stamp duty: provided always, that it shall be lawful for her Majesty's Attorney-General, (acting ex officio), at any time within three calendar months after the making of any order by a district court or county court under this act, to lodge and commence and prosecute an appeal against such order, without giving any such notice or becoming bound as aforesaid, and every such last-mentioned appeal shall thereupon be allowed by the order of such district or county court, and shall have such other effect as any other appeal under this act.

40. Where any order allowing an appeal has been made as aforesaid, the person thereby allowed to appeal shall within three calendar months present a petition to the Court of Chancery, setting forth the order appealed against, and the order allowing such appeal, and praying such relief as the case may require; and upon the hearing of such petition the Court may confirm, vary, or reverse the order appealed against, or may remit such order to the district court of bankruptcy or county court by which the same was made, with or without any declaration or directions of the Court of Chancery in relation thereto, or may proceed, in relation to the charity to which such order relates, as in the case of an application under this act to a judge of the Court of Chancery at chambers, and any judge of such court sitting at chambers or in open court may make or give any such orders or directions in relation to the matter of such order as he may see fit, or the Court may make such other order in relation to the matter of any such appeal as to the Court may seem just, and as might be made in the case of a suit regularly instituted, or a petition, as the case may require; and in case the party allowed to appeal do not within such three calendar months present such petition of appeal, the order against which such appeal was allowed shall be final; and in case any costs adjudged on any such appeal to be paid by the party allowed to appeal be not paid, such bond as aforesaid may be put in suit, and the money to be recovered on every such bond shall be applied to indemnify the charity estate or the person damaged, or otherwise in such manner as the justice of the case may require, and the court or judge by whom such appeal may have been heard shall think fit.

41. Provided always, that no judge of the Court of Chancery, nor any district court of bankruptcy or county court, shall upon any proceedings under this act have jurisdiction to try or determine the title at law or in equity to any real or personal property, or any term or interest therein, as between any charity, or the trustee thereof, and any person holding or claiming such real or personal property, term, or interest adversely to such charity, or to try or determine any question as to the existence or extent of any charge or trust.

42. Before any application shall be made to any judge of the Court of Chancery, or to any district court of bankruptcy or county court, under any of the provisions herein contained, for the establishment or alteration of a scheme or the appointment or removal of any trustees or trustee, notice in writing of such intended application shall be given in such form and manner as the said board shall have directed; and if the order be that such notice be affixed to or near the door of any parish or district church, the incumbent and churchwardens of such parish or district are hereby respectively required to allow such notice to be affixed and to remain so affixed during such period, not less than fifteen days, as the said board shall have ordered; and in any case in which the order shall be that such notice shall be affixed to any place, evidence that the same has been so affixed shall be deemed and taken as *prima facie* evidence that it has remained affixed during the period prescribed by the board.

43. Every application to any judge or court under the jurisdiction created or conferred by any of the provisions of this act may be made by her Majesty's Attorney-General, or, subject to the provisions aforesaid, by all or any one or more of the trustees or persons administering or claiming to administer, or interested in, the charity which shall be the subject of such application, or any two or more inhabitants of any parish or place within which the charity is administered or applicable; and it shall be lawful for her Majesty's Attorney-General for

the time being, acting ex officio, to make application by petition to the Court of Chancery with respect to any charity under the provisions of the act 52 Geo. 3, c. 101, or under the provisions of any act or acts passed or to be passed authorising the application to the same court by petition according to the provisions of the said act.

44. For the purposes of determining the jurisdiction under his act with respect to any charity, or the right to appeal from the determination of a judge of the Court of Chancery, it shall be lawful for the said board to declare, according to such judgment as they may be able to form upon the returns or statements before them in relation to any charity, whether the gross annual income for the time being of such charity does or does not exceed 30*l.* or 100*l.*, (as the case may require), and a statement in any certificate or order of the said board, that according to such judgment as aforesaid the gross yearly income of any charity does or does not exceed 30*l.* or 100*l.*, shall be sufficient evidence of the amount of the gross annual income of such charity, for the purpose of determining such jurisdiction or right to appeal as aforesaid; and any certificate or order made by the said board under this act, authorising any proceeding or application concerning any charity to be taken or made to any district court of bankruptcy or county court, or to the Court of Chancery, or any judge thereof, shall state that the gross annual income for the time being of such charity does not exceed 30*l.*, or does exceed 30*l.* (as the case may be): provided always, that where any charity, or the trustees thereof, in addition to the principal endowment for its general objects and purposes, shall be possessed of or entitled to any other endowment for any particular or special object or purpose arising out of, or in its nature or application connected with, the general objects or purposes of such charity, it shall be lawful for the said board, having regard to the circumstances of each such case, and to the object and extent of the proposed application and litigation, to determine whether such endowment for such particular or special object or purpose should, for the purposes of jurisdiction and proceedings under this act, be considered and treated as forming part of the general endowment of the charity, or as a separate or independent charity, and such board shall frame their certificate or order accordingly.

45. The Lord Chancellor shall make such orders for regulating proceedings by and before the judges of district courts of bankruptcy and county courts under this act, and for fixing and determining the fees to be taken in respect of such proceedings, as he may see fit; and, subject to such orders, such judges may regulate the proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

46. Nothing herein contained shall diminish or detract from any right or privilege which by any rule or practice of the Court of Chancery, or by the construction of law, now subsists for the preference or the exclusive or special benefit of the Church of England, or the members of the same church, in settling any scheme for the regulation of any charity, or in the appointment or removal of trustees, or generally in the application or management of any charity.

47. The secretary for the time being of the said board shall, by virtue of his appointment, be the treasurer of public charities; and such treasurer shall, for the purposes of taking, holding, conveying, assigning, transferring, and transmitting real property, including leaseholds for lives or years, be a corporation sole by the name of "The Treasurer of Public Charities," and by that name shall have perpetual succession, and plead and be impleaded before all courts, justices, and others.

48. Where any land, or any term or estate therein, holden upon trust for any charity, shall be vested in any persons other than the persons acting in the administration and application of the rents; or where there shall be no trustees thereof, or the trustees, or any of them, shall be unwilling to act, or it shall be uncertain in whom such land, term, or estate shall be vested, or all or any of the persons in whom such land, term, or estate shall be vested, cannot be found, or shall be under age, lunatic, or of unsound mind, (whether found by such inquisition or not), or otherwise incapable of acting, or shall be out of the jurisdiction or not amenable to the process of the Court of Chancery; or where, by reason of the reduced number of trustees, or other causes, a valid appointment of new trustees cannot be made; or where, by reason of the ex-

penses incident to the appointment of new trustees, and the conveyance or assignment of such land, term, or estate to such new trustees, it shall appear to the Court of Chancery, or to any judge of such court, or of any court having jurisdiction with respect to such charity under this act, desirable so to do, such court or judge may order that such land, term, or estate be vested in such treasurer, and thereupon the same shall vest in such treasurer and his successors for all the estate and interest holden in trust for the charity as aforesaid, without any conveyance or assurance thereof; but no such vesting order as aforesaid shall be made in respect of any land or term or estate as aforesaid, holden in trust as aforesaid, vested in a corporation, without the consent of the corporation; and no such vesting order shall take effect in respect of any copyhold land without the consent of the lord of the manor; and the Court of Chancery, or such judge, may direct such periodical or other payment, as such court or judge may think fit, to be made to the lord of the manor, in compensation for fines or other profits which would have become due upon death or admittance of tenants.

49. It shall be lawful for any court or judge by whom respectively any such vesting order may have been made, or for any other court or judge having jurisdiction in the matter, if it shall so seem fit to such court or judge, from time to time to order that all or any part of the land, term, or estate, which shall for the time being be vested in the said treasurer by virtue of any such vesting order as aforesaid, shall be devested, and that the same shall be vested in the acting trustees or trustee for the time being of the charity; and such last-mentioned order shall operate to vest such land, term, and estate in the trustees or trustee therein named, without any conveyance or assurance.

50. Subject to the orders and directions of the Court of Chancery, or of any such judge, such treasurer shall be deemed a bare trustee, and shall permit the persons acting in the administration of the charity to have the possession, management, and control of the trust estates, and the application of the income thereof, as if the same had been vested in them.

51. The secretary for the time being of the said board, and such other public officer or officers as the Lord Chancellor shall appoint, shall be official trustees of charitable funds, and where trustees or other persons having in their names, or in the name of any deceased person of whom they are representatives, in the books of the Bank of England, or of the East India or South Sea Company, or of any other public company, any annuities, stock, or shares, or holding any government or parliamentary or other securities in trust for any charity, shall be desirous to transfer or deposit the same to or with the said official trustees in trust for such charity; or where any persons shall be desirous of transferring or depositing as aforesaid any annuities, stocks, shares, or securities for discharging any legacy or charge given or made to or for the benefit of any charity; or where it shall appear to the Court of Chancery, or to any judge of such court, or of any district court of bankruptcy, or county court having jurisdiction under this act, that any annuities, stock, shares, or securities held in trust for any charity ought, for the purpose of security or convenient administration, to be transferred or deposited as aforesaid, it shall be lawful for such court or judge to order the transfer or deposit of such annuities, stock, shares, or securities to or with such official trustees.

52. The secretary of the said board shall keep separate accounts of the annuities, stock, shares, and securities belonging to each separate charity, and the said official trustees shall pay the dividends or interest or income thereof to the trustees or persons acting in the administration of such charity, or otherwise dispose thereof, and transfer such annuities, stock, shares, or securities, (when occasion shall require), as the Court of Chancery, or any judge of such court, or of any district court of bankruptcy, or county court having jurisdiction under this act, or other lawful authority, shall direct.

53. It shall be lawful for any trustees or other persons having the custody of any deeds or muniments of or relating to such charity to deposit the same for security in a repository which may be provided by the said board, subject to any regulations to be made by the said board under this act.

54. Where, upon the application of any trustees or other persons concerned in the management or administration of any charity, or interested in the benefits thereof, (and after such

examination or inquiry as the board may think necessary in relation thereto), or upon any report of an inspector, or information otherwise obtained by the said board under this act, with relation to any charity, it shall appear to the said board to be desirable to have a new scheme for the application or management of the charity, and such new scheme as contemplated or considered desirable by the board cannot be, or it shall in the opinion of the board be doubtful whether it can be, carried into complete effect by the Court of Chancery, or by any district or county court under the jurisdiction created by this act, or otherwise than by the authority of Parliament, it shall be lawful for the said board in every such case provisionally to approve and certify such new scheme in the manner and subject to the regulations hereinafter mentioned.

55. One month at least before any such new scheme shall be so provisionally approved, notice thereof shall be given in such manner as the board may in each case consider proper or expedient for insuring due publicity, and every such notice shall contain such particulars of the proposed scheme as the said board think fit, and as shall be deemed by the said board sufficient to shew the nature of such scheme; and where the nature thereof cannot conveniently be shewn in the said notice, such notice shall refer to some convenient place within the parish or district, and to the office in London of the Registrar of County Courts Judgments, where a copy of the proposed scheme shall be deposited and may be inspected, and every such notice shall require any objections to such scheme to be stated or transmitted to the said board or their secretary within one month from the time when the notice shall have been given.

56. If after such notice as aforesaid any objections or suggestions shall be made, the board shall consider the same, and may thereupon, if to them it shall seem fit, alter or modify the scheme according to any such objections or suggestions; and after all such objections and suggestions, if any, have been disposed of, or if no such objections or suggestions shall have been made, the board, in case they shall not think fit to refer such scheme to an inspector under the provision next hereinafter contained, may proceed to approve such scheme, and to certify the same in manner hereinafter mentioned.

57. Upon the requisition of any person interested in the charity in question, (in case the said board, after due consideration, shall be of opinion that there are sufficient grounds for complying with such requisition), or in any other case, if the said board shall consider it desirable, the matter of any scheme in question may be referred by the said board to one of their inspectors, and such inspector shall thereupon proceed to make a local inquiry and examination into the matter of the scheme in question; and for the purposes of such inquiry such inspector may hold a sitting or sittings in some convenient place in the parish, or one of the parishes, or the district to or in which respectively the charity in question is wholly or partially situated or is administered, and may take and receive any evidence and information, and hear and inquire into any objections or questions relating to the scheme or charity in question, and may from time to time adjourn any such sitting, and public notice shall be given by such inspector of every such sitting (except an adjourned sitting) fourteen days at the least before the holding thereof, in such other mode as in the judgment of the said board shall be sufficient to insure publicity.

58. Every inspector to whom any such matter shall be referred shall report in writing to the said board the result of his inquiry, and whether in his opinion the scheme in question should be approved with or without any alteration or modification thereof, and such report shall specify or indicate the alterations (if any) which such inspector shall consider desirable, with the reasons for the same, and also the nature of the objections (if any) which shall have been made to the scheme, and the opinion of the said inspector thereon, and the said board shall consider such report, and if, as the result of such report or after further inquiry, they shall be satisfied therewith, they may proceed to approve the scheme in question either with or without any alteration, and to certify the same in manner hereinafter mentioned.

59. Every scheme to be approved by the said board shall be certified by them, and for that purpose shall be embodied in a certificate to be made by the said board, and sealed with their seal; and in every case a copy of such certificate shall be deposited in some convenient place within the parish or one of the parishes or the district in which the charity in question shall

wholly or partially be situated or administered, and at the office in London of the Registrar of County Courts Judgments, and a notice shall also be given, in such manner as the board shall direct, which notice shall refer to the certificate so deposited, and shall state the intention of the board to proceed with the scheme thereby certified.

60. The said board shall in the month of February in every year make a report to her Majesty of all their proceedings during the preceding year up to the 31st December then last, and such report shall, within fourteen days after the making thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or otherwise within fourteen days after the meeting thereof; and in such report the said board shall especially distinguish and set forth in full all the schemes (if any) approved by them under the provisions lastly hereinbefore contained, together with the grounds of such their approval, and the objections (if any) which have been made thereto, and all proceedings had in respect of such objections, and the grounds on which any such objections have been overruled; and in case it shall be enacted by any act of Parliament that any such scheme or schemes so certified shall be confirmed and take effect, either with or without any alterations or modifications thereof respectively, every such act shall be deemed a public general act.

61. The trustees or persons acting in the administration of every charity shall, in books to be kept by them for that purpose, regularly enter or cause to be entered full and true accounts of all money received and paid respectively on account of such charity, and on or before the 25th March in every year, or on or before such other day as shall or may be fixed and appointed for that purpose by the said board, shall cause a statement in writing to be made of the income and revenues, whether actually paid or then due, and the actual receipts and expenditure of such charity for the year ending on the 31st December then next preceding, or on some other convenient day to be fixed and appointed for that purpose by the said board, and also a balance-sheet containing a clear statement of the balance of such account, which statement and balance-sheet respectively shall be certified under the hand of some one or more of such trustees or persons, (and audited by the auditor of such charity, if any there be); and as to every charity whose gross annual income for the time being shall not exceed 30*l.*, every such statement and balance-sheet respectively, or a duplicate or true copy thereof respectively, shall be delivered or sent by such trustees or persons free of charge to the clerk of the county court or some one of the county courts (if more than one) to whose jurisdiction such charity may be subject under this act, (in case such charity be subject to the jurisdiction of any county court under this act), or if such charity be not subject to the jurisdiction of any county court, then to the clerk of the county court for the district or any one of the districts (if more than one) wherein or nearest adjoining whereto such charity is established, or the property thereof (in whole or in part) is situate or administered and distributed; and as to every charity whose gross annual income for the time being shall exceed 30*l.*, every such statement and balance-sheet, or a duplicate and true copy thereof respectively, (unless the said board shall otherwise direct), shall be delivered or sent free of charge to the clerk of the peace for the county or the division of the county, or some one of the counties or divisions of counties (if more than one) in which the charity is established, or the property thereof is wholly or partially situated or administered and distributed; and every such statement and balance-sheet, or a duplicate or true copy thereof respectively, shall be kept and registered without fee or reward by the Registrar of County Courts Judgments or the clerk of such county court, and the clerk of the peace for such county or division respectively, and shall be open to the inspection of all persons, at all reasonable hours, on payment of the sum of 1*s.* to the registrar or clerk for every such inspection; and any person may require and have a copy of any such statement and balance-sheet, or of any part thereof, paying therefor to such registrar or clerk after the rate of 2*d.* for every seventy-two words or figures; and a duplicate or copy of every such statement and balance-sheet to be made according to the foregoing provision, so certified and audited as aforesaid, shall be delivered or transmitted, through the post or otherwise, free of charge, by such trustees or other persons, to the said board, on or before the said 25th March in every year, or such other day as may be fixed and appointed by the said board as aforesaid; and the

said board may from time to time by any order direct that the statement and balance-sheet, or a duplicate or true copy thereof respectively, of the accounts of any charity whose gross annual income exceeds 30*l.* shall be delivered or sent to the clerk of the county court in the same manner as if the income of such charity did not exceed 30*l.*; and the said board may make and give such further and other orders and directions in relation to the delivery and publication of such accounts, and the form thereof, as they may think fit, which directions and orders shall be obligatory on and obeyed by all such trustees and persons as aforesaid.

62. This act shall not extend to the Universities of Oxford, Cambridge, London, or Durham, or any college or hall in the said Universities of Oxford, Cambridge, and Durham, or to any cathedral or collegiate church, or to any building registered as a place of meeting for religious worship, with the registrar-general of births, deaths, or marriages in England and Wales, and bona fide used as a place of meeting for religious worship; nor shall this act, from the period of two years from the passing thereof, extend or be in any manner applied to charities or institutions the funds or income of which are applicable exclusively for the benefit of persons of the Roman Catholic persuasion, and which are under the superintendence or control of persons of that persuasion; nor shall this act extend or be applied to the Commissioners of Queen Anne's Bounty, or to the British Museum, or to any friendly or benefit society, or savings bank, or any institution, establishment, or society for religious or other charitable purposes, or to the auxiliary or branch associations connected therewith, wholly maintained by voluntary contributions, or any bookselling or publishing business carried on by or under the direction of any society wholly or partially exempted from this act, so far as such business is or shall be carried on by means of voluntary contributions only, or the capital or stock of such business; and where any charity is maintained partly by voluntary subscriptions and partly by income arising from any endowment, the powers and provisions of the act shall, with respect to such charity, extend and apply to the income from endowment only, to the exclusion of voluntary subscriptions, and the application thereof; and no donation or bequest unto or in trust for any such charity as last aforesaid, of which no special application or appropriation shall be directed or declared by the donor or testator, and which may legally be applied by the governing or managing body of such charity as income in aid of the voluntary subscriptions, shall be subject to the jurisdiction or control of the said board, or the powers or provisions of this act; and no portion of any such donation or bequest as last aforesaid, or of any voluntary subscription, which is now or shall or may from time to time be set apart or appropriated and invested by the governing or managing body of the charity, for the purpose of being held and applied or expended for or to some defined and specific object or purpose connected with such charity, in pursuance of any rule or resolution made or adopted by the governing or managing body of such charity, or of any donation or bequest in aid of any fund so set apart or appropriated for any such object or purpose as aforesaid, shall be subject to the jurisdiction or control of the said board or the powers or provisions of this act; and nothing in this act shall subject the funds or property of any missionary or other similar society, or the missionaries, teachers, or officers of such society, or of any branch thereof, which funds or property shall not be within the limits of England or Wales, to the jurisdiction of the said board: provided always, that the said exemption shall not extend to any cathedral, collegiate, chapter, or other schools.

63. It shall be lawful for any of the charities exempted from the operation of this act, by order or resolution duly made in conformity with the constitution or rules of such charity, (and which in that case only shall be binding), to apply by petition to the commissioners to have the benefit of this act, either generally or as to any of the provisions herein contained; and such petition shall be under the seal of such charity if incorporated, and if not, then under the hands of the major part of the trustees and governing body of such charity; and in such case it shall be lawful for the commissioners, if they shall think fit, to make an order in conformity with such application, and such charity shall thenceforth be entitled to and be bound by all the provisions of this act, if admitted generally thereto, or by such of the enactments thereof as shall be mentioned and specified in such order of the commissioners, but in either case

in the same manner as if such charity had not been exempted from this act, or such exemption had not extended to the enactments specified in such order.

64. Provided also, that if any question or dispute shall arise among the members of any charity exempted from the operation of this act in relation to any office, or the fitness or disqualification of any trustee or officer, or his election or removal, or generally in relation to the management of the charity, it shall be lawful for two-thirds of the members present at any special meeting, duly convened by notice for the purpose in the same manner in which meetings of such charity are by the rules thereof appointed to be held and convened, to refer such question or dispute to the arbitration of the commissioners, who shall accept such reference and act therein as arbitrators, and their award shall be final, and may be made a rule of her Majesty's High Court of Chancery.

65. The legal estate in all lands which at the time of the passing of the 5 & 6 Will. 4, c. 76, was vested in the body corporate of any borough which became subject to the provisions of the said act, or in any one or more of the members of such body corporate, in his or their corporate capacity, solely or together with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, and which legal estate shall not have been since duly conveyed or assured to and vested in the trustees appointed by the Lord High Chancellor under the provisions of the said act, or such of them as shall be surviving and continuing trustees, or otherwise lawfully conveyed, aliened, or disposed of by such body corporate or member or members thereof, shall from and immediately after the passing of this act, and without any actual conveyance, assignment, or other assurance thereof, be vested in the trustees so appointed, or such of them as shall be surviving and continuing trustees under such appointment as aforesaid, according to the respective estates and interests therein, and subject to such and the same charges and incumbrances and upon such and the same trusts as the same were respectively subject to previously to such vesting; and in every case, upon the death, resignation, or removal of any of the trustees, and upon any appointment of any new trustee or trustees respectively, the legal estate in the same lands, and in all other lands subject to any such charitable uses or trusts which may for the time being be vested in the trustees or any of them, or in any persons or the heirs or devisees of any person who may have died, resigned, or been removed, shall vest in the persons who after such death, resignation, or removal, and such appointment of such new trustee or trustees respectively, shall continue or be the trustees for the time being, without any conveyance or assurance whatsoever.

66. In the construction of this act, except where the context or other provisions of the act may require a different construction, the expression "Court of Chancery" shall mean and include the Master of the Rolls and every judge of the Court of Chancery in England; the expression "Lord Chancellor" shall mean and include the Lord Chancellor of Great Britain and the Lord Keeper and Commissioners of the Great Seal of Great Britain for the time being; the expressions "district court of bankruptcy" and "district court" shall mean and include every district court of bankruptcy established or to be established under the 5 & 6 Vict. c. 22, or under any other act or acts passed or to be passed for the alteration or amendment or the extension of the same act, or for the establishment of any district court or courts of bankruptcy in England or Wales, and every commissioner or judge of every such district court; the expression "county court" shall mean and include every county court holden or established, or to be holden or established, under the 9 & 10 Vict. c. 95, or any act or acts passed or to be passed for the alteration or extension of the same act, and every judge of any such court; the expression "charity" shall mean every endowed foundation and institution taking or to take effect in England or Wales, and coming within the meaning, purview, or interpretation of the statute of the 43 Eliz. c. 4, or as to which, or the administration of the revenues or property whereof, the Court of Chancery has or may exercise jurisdiction; the expression "trustee" of any charity shall mean and include every person and corporation seized or possessed of or entitled to any real or personal estate, or any interest therein, in trust for or for the

benefit of such charity, or all or any of the objects or purposes thereof, and every member of any such corporation; and the expression "the board" shall mean the said charity commissioners sitting as a board under this act; and the expression "endowment" shall mean and include all lands and real estate whatsoever, of any tenure, and any charge thereon or interest therein, and all stocks, funds, monies, securities, investments, and personal estate whatsoever, which shall for the time being belong to or be held in trust for any charity, or for all or any of the objects or purposes thereof; and the expression "land" shall extend to and include manors, messuages, buildings, tenements, and hereditaments, corporeal and incorporeal, of every tenure and description.

67. This act shall not extend to Scotland or Ireland.

68. This act may be cited as "The Charitable Trusts Act, 1853."

### Court Papers.

EQUITY SITTINGS, MICHAELMAS TERM,  
1853.

### Court of Chancery.

*Before the LORD CHANCELLOR, at Westminster.*

Wednesday .. Nov. 2 Appeal Motions.

*At Lincoln's Inn.*

Thursday .....	3	Appeals.
Friday .....	4	Petition-day.
Saturday .....	5	} Appeals.
Monday .....	7	
Tuesday .....	8	
Wednesday .....	9	} Appeals.
Thursday .....	10	
Friday .....	11	
Saturday .....	12	} Appeals.
Monday .....	14	
Tuesday .....	15	
Wednesday .....	16	} Appeal Motions.
Thursday .....	17	
Friday .....	18	
Saturday .....	19	} Appeals.
Monday .....	21	
Tuesday .....	22	
Wednesday .....	23	} Petition-day.
Thursday .....	24	
Friday .....	25	

*Before the LORDS JUSTICES, at Westminster.*

Wednesday .. Nov. 2 Appeal Motions.

*At Lincoln's Inn.*

Thursday .....	3	Appeals.
Friday .....	4	} Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Saturday .....	5	
Monday .....	7	
Tuesday .....	8	} Appeals.
Wednesday .....	9	
Thursday .....	10	} Appeal Motions and Appeals.
Friday .....	11	
Saturday .....	12	
Monday .....	14	} Appeals.
Tuesday .....	15	
Wednesday .....	16	
Thursday .....	17	} Appeal Motions and Appeals.
Friday .....	18	
Saturday .....	19	
Monday .....	21	} Appeals.
Tuesday .....	22	
Wednesday .....	23	
Thursday .....	24	} Petitions in Lunacy, Bankrupt Petitions, and Appeal Petitions.
Friday .....	25	

### Rolls Court.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Wednesday .. Nov. 2 Motions.

*At Chancery-lane.*

Thursday .....	3	Petitions in General Paper.
Friday .....	4	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	5	
Monday .....	7	
Tuesday .....	8	} Motions.
Wednesday .....	9	
Thursday .....	10	
Friday .....	11	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	12	
Monday .....	14	
Tuesday .....	15	} Motions.
Wednesday .....	16	
Thursday .....	17	
Friday .....	18	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	19	
Monday .....	21	
Tuesday .....	22	} Petitions in General Paper.
Wednesday .....	23	
Thursday .....	24	
Friday .....	25	Motions.

Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

### Vice-Chancellors' Courts.

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Westminster.*

Wednesday .. Nov. 2 Motions.

*At Lincoln's Inn.*

Thursday .....	3	Causes.
Friday .....	4	Petitions (unopposed first).
Saturday .....	5	Short Causes, Short Claims, & Causes.
Monday .....	7	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	8	
Wednesday .....	9	
Thursday .....	10	Motions.
Friday .....	11	Petitions (unopposed first).
Saturday .....	12	Short Causes, Short Claims, & Causes.
Monday .....	14	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	15	
Wednesday .....	16	
Thursday .....	17	Motions.
Friday .....	18	Petitions (unopposed first).
Saturday .....	19	Short Causes, Short Claims, & Causes.
Monday .....	21	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	22	
Wednesday .....	23	
Thursday .....	24	} Motions.
Friday .....	25	

N. B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Wednesday .. Nov. 2 Motions.

*At Lincoln's Inn.*

Thursday .....	3	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	4	
Saturday .....	5	
Monday .....	7	Petition-day.
Tuesday .....	8	Short Causes, Short Claims, & Causes.
Wednesday .....	9	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	10	
Friday .....	11	
Saturday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	14	Petition-day.
Tuesday .....	15	Short Causes, Short Claims, & Causes.

Wednesday .....	16	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	17	Motions.
Friday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	19	Petition-day.
Monday .....	21	Short Causes, Short Claims, & Causes.
Tuesday .....	22	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	23	Motions.
Thursday .....	24	
Friday .....	25	

Before Vice-Chancellor Sir W. P. Wood, at Westminster.

Wednesday .. Nov. 2 Motions.

At Lincoln's Inn.

Thursday .....	3	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	4	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.
Saturday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	7	Motions and General Paper.
Tuesday .....	8	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	9	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.
Thursday .....	10	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	11	Motions and General Paper.
Saturday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	14	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.
Tuesday .....	15	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	16	Motions and General Paper.
Thursday .....	17	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	18	Petitions, (unopposed first), Short Causes, Short Claims, and Causes.
Saturday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	21	Motions and General Paper.
Tuesday .....	22	
Wednesday .....	23	
Thursday .....	24	
Friday .....	25	

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1853.

#### Court of Queen's Bench.

MIDDLESEX.—In Term.

Thursday .....	1st sitting, Nov. 3	Any common jury cause may be taken at these sittings.
Monday .....	2nd sitting, 14	
Monday .....	3rd sitting, 21	For undefended causes only.

After Term.—Saturday, Nov. 26.

LONDON.—In Term.

1st sitting .....	Friday .....	Nov. 11
2nd sitting .....	Friday .....	18

[Any common jury cause may be taken in term.]

After Term.—Monday, Dec. 12.

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

In Term.

MIDDLESEX.		LONDON.	
Monday .....	Nov. 7	Friday.....	Nov. 11
Monday .....	14	Friday.....	18

After Term.

Saturday ..... Nov. 26 | Monday ..... | Dec. 12 |

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Order of Pleas.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Thursday.. Nov. 3	1st sitting, Friday.. Nov. 11
2nd sitting, Monday .... 14	2nd sitting, Friday ..... 18
3rd sitting, Monday .... 21	

After Term.

Saturday ..... Nov. 26 | Monday ..... | Dec. 12 |

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

The Court will sit during and after term at ten o'clock.

### COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1853.

#### Court of Queen's Bench.

NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER TRINITY TERM, 1853.

HILARY TERM, 1853.	Lond.—Ware v. Osmond
Lond.—Kernot v. Pittis	
Tried during Term.	TRINITY TERM, 1853.
Midd.—Dansey v. Richardson	Tried during Term.
EASTER TERM, 1853.	Lond.—Walker v. York and North Midland Railway Co.
Tried during Term.	
Midd.—Evans v. Clarke & an.	

### SPECIAL CASES, DEMURRERS, AND COUNTY COURT APPEALS,

FOR MICHAELMAS TERM, 1853.

Those marked thus \* are Special Cases, and thus † Demurrers.

FOR JUDGMENT.	*Mowatt v. Lord Lonsdale
†Badeley v. Vigurs	rough
FOR ARGUMENT.	*Jackson v. Jackson
*Doe d. Lees v. Ford & ora.	Bingham v. Covas (Appeal from Liverpool County Ct.)
†Kernot v. Cattlin	Frodsham v. Neville (Appeal from Liverpool County Ct.)
*Bartlett v. Kerwood (Part heard)	*Westbrook v. Blythe
†Ambergate, Nottingham, and Boston and Eastern Junction Railway Co. v. Midland Railway Co.	†Gott & an. v. Gandy
*Hawkins v. Stansbury	†Brown v. France
†Silby v. Oliver	Howard v. Remer (Appeal from Congleton County Ct.)
	†Mayor, &c. of Sunderland v. Herring

### ENLARGED RULES

FOR MICHAELMAS TERM, 1853.

First Day.	Reg. v. Sutton Harbour Improvement Co.
In re Cordy & ora. v. Bentley (In prohibition)	Same v. Rev. J. H. Cotton
Sturgis v. Foy	Fourth Day.
In re Stephenson v. Raine	In re Wickens
Reg. v. Land-tax Commissioners for Gartree	Fifth Day.
Same v. London and North-western Railway Co.	Reg. v. Lewis & an.
	Seventh Day.
	Same v. Abney & an.

### CROWN PAPER, MICHAELMAS TERM, 1853.

Glamorganshire Reg. v. Lewis.	
Anglesey .....	Lewis & an.
Middlesex ....	South-western Railway Co.
Same .....	Vestrymen of the Parish of St. Pancras.
Carnarvonshire	Inhabitants of the Parish of Llan-saintffraid Glan Conway, Denbighsh.
Surrey .....	Inhabitants of St. Mary Magdalen, Bermondsey.

### Court of Common Pleas.

NEW TRIAL.

MICH. TERM, 1848.

Surrey—Hamilton v. Cochrane (Standing for arrangement).

## ENLARGED RULES.

*To first Day.**Gibbs v. Flight**Generally.**In re Sharp v. All (In prohibition)**Dalby v. India and London Life Assurance Co.*

## DEMURRER PAPER.

*Monday, Nov. 17.**Earl of Mount Cashell v. Zuccani v. Goldie*  
*Barber Rogers v. Macnamara.*

## Court of Exchequer.

## SITTINGS—MICHAELMAS TERM, 1853.

<i>Days in Term.</i>	<i>Banc.</i>
Wednesday... Nov. 2	Motions and Peremptory Paper.
Thursday..... 3	Errors, Peremptory Paper, & Motions.
Friday..... 4	.....
Saturday..... 5	.....
Monday..... 7	Special Paper.
Tuesday..... 8	.....
Wednesday..... 9	Special Paper, Lord Mayor sworn.
Thursday..... 10	.....
Friday..... 11	.....
Saturday..... 12	Crown Cases.
Monday..... 14	Special Paper.
Tuesday..... 15	.....
Wednesday..... 16	Special Paper.
Thursday..... 17	.....
Friday..... 18	.....
Saturday..... 19	.....
Monday..... 21	Special Paper.
Tuesday..... 22	.....
Wednesday..... 23	.....
Thursday..... 24	.....
Friday..... 25	.....

<i>Days in Term.</i>	<i>Nisi Prius.</i>
Thursday.... Nov. 3	Middlesex first Sitting.
Friday..... 11	London first Sitting.
Monday..... 14	Middlesex second Sitting.
Friday..... 18	London second Sitting.
Monday..... 21	Middlesex third Sitting.

## NEW TRIALS.

## FOR ARGUMENT.

*Moved Easter Term, 1851.**Kingston—Griffen v. Humphery**Moved Easter Term, 1853.**Lond.—Lawes v. Bachelor**Same v. Same.**Moved Trinity Term, 1853.**Midd.—Hall v. Adams.*

## PEREMPTORY PAPER.

*To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.**Emery v. Webster**Rastrick v. Derbyshire, Staffordshire, and Worcesterhire Junction Railway Co.*

## SPECIAL PAPER.

*Mostyn v. Griffiths (Part hd.) | Papanicolas v. Murray.*

## APPOINTMENTS UNDER THE CHARITABLE TRUSTS ACT.—

The Queen has been pleased to make the following appointments under the provisions and for the purposes of the Charitable Trusts Act, 1853, viz.:—Peter Erie, Esq., Barrister-at-Law, to be Chief Commissioner; James Hill, Esq., Barrister-at-Law, to be Second Commissioner; the Rev. Richard Jones, M. A., to be Third Commissioner; the Right Hon. Sir George Grey, Bart., G. C. B., to be Fourth Commissioner; Henry Morgan Vane, Esq., to be Secretary; and Thomas Hare, Esq., Barrister-at-Law, and Walker Skirrow the younger, Esq., to be Inspectors.

## London Gazette.

FRIDAY, OCTOBER 21.

## BANKRUPTS.

**RICHARD SPENCELEY and JAMES MAUDLOM SPENCELEY**, Wapping, Middlesex, and Clyde Dock, Rotherhithe, Surrey, sail makers, ship chandlers, and ship smiths, dealers and chapmen, (trading under the style or firm of Richard Spenceley & Son), Nov. 3 at 11, and Dec. 8 at 12, Court of Bankruptcy, London: Off. Ass. Johnson & Sons, Sole & Co., Aldermanbury.—Petition filed Oct. 18.

**WILLIAM EMERY**, Leighton Buzzard, Bedfordshire, grocer, Nov. 3 at half-past 1, and Dec. 8 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Keighley, Basinghall-street.—Petition filed Oct. 17.

**FREDERICK PHILIP RIPLEY WEBB**, Nicholas-lane, Lombard-street, London, merchant, dealer and chapman, (trading with Charles John Webb and William Green Dick, under the style or firm of Webb, Brothers, & Co., and at the Mauritius, under the style or firm of W. G. Dick & Co.), Oct. 31 at 11, and Dec. 10 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Co., Old Jewry-chambers, London.—Petition dated Oct. 3.

**GREGORY BARRETT**, Kidderminster, Worcestershire, carpet manufacturer, dealer and chapman, (now or lately trading with Gregory Barrett the younger, under the style or firm of Gregory Barrett & Co., at Kidderminster), Nov. 8 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Best, Kidderminster; Rees, Birmingham.—Petition dated Oct. 19.

**WILLIAM REYNOLDS the younger**, Fullford's Hall Farm, Warwickshire, sheep salesman, cattle dealer, dealer and chapman, Nov. 2 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Southall, Birmingham.—Petition dated Oct. 13.

**WILLIAM REYNOLDS the elder**, Wiggins Hill, Warwickshire, cattle dealer, sheep salesman, commission agent, dealer and chapman, Nov. 2 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Southall, Birmingham.—Petition dated Oct. 18.

**JOHN HETHERINGTON, THOMAS HETHERINGTON, and GEORGE BARLOW SCHOLES**, Manchester, joiners and builders, (carrying on business as joiners and builders, under the style or firm of John Hetherington & Co.), Oct. 31 and Nov. 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Petition filed Oct. 12.

**ISAAC FINEBERG**, Manchester, jeweller and general dealer, dealer and chapman, Oct. 31 and Nov. 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hulme & Foyster, Manchester; Abraham, 23, Southampton-buildings, Chancery-lane, London.—Petition filed Oct. 6.

**JOSEPH THOMPSON**, Allonby, Cumberland, common brewer, dealer and chapman, Nov. 2 at half-past 12, and Nov. 30 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Huthwaite, Maryport; Cram, Newcastle-upon-Tyne.—Petition filed Oct. 5.

## MEETINGS.

*Chas. Edmonstone*, Over Darwen, Lancashire, paper manufacturer, Nov. 1 at 12, District Court of Bankruptcy, Manchester, pr. d.—*R. Balls*, Mortlake, Surrey, builder, Nov. 2 at 2, Court of Bankruptcy, London, last ex.—*J. Combes*, Manchester, ironmonger, Nov. 4 at 12, District Court of Bankruptcy, Manchester, last ex.—*J. Bowker*, Hyde, Cheshire, innkeeper, Nov. 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*J. Black and R. Cope*, Vulcan-wharf, Earl-st., Blackfriars, London, iron merchants, Nov. 2 at 12, Court of Bankruptcy, London, and ac.—*T. Watson*, King's Lynn, Norfolk, merchant, Nov. 2 at 12, Court of Bankruptcy, London, and ac.—*A. Horlock*, Northfleet, Kent, steam-engine manufacturer, Nov. 15 at 2, Court of Bankruptcy, London, and ac.—*Isaac King*, Bull Head-court, Newgate-street, London, carpenter, Nov. 15 at 2, Court of Bankruptcy, London, and ac.—*Henry Ashdown*, Welling, East Wickham, Kent, wheelwright, Nov. 15 at 12, Court of Bankruptcy, London, and ac.—*John H. Gould and Fred. H. Gould*, Watling-street, London, wholesale lace warehousemen, Nov. 8 at 2, Court of Bankruptcy, London, and ac.; Nov. 11 at 2, div.—*Thomas*



*Bailey*, Gloucester, saddler, Nov. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*David Phillips*, Cardiff, Glamorganshire, linendraper, Nov. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Francis Robinson*, Manchester, publican, Nov. 17 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 24 at 12, div.—*John Close* the elder, *Thomas Close*, and *Solomon Reinhold*, Manchester, merchants, Oct. 31 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Edward Hilton* and *Nathaniel Walsh*, Over Darwen, Lancashire, paper makers, Oct. 31 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Wallhew*, Manchester, drysalter, Nov. 2 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Benjamin Davies*, Holywell, Flintshire, draper, Nov. 3 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*George Smith*, Liverpool, tailor, Nov. 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 14 at 11, div.—*George Winn*, Scarborough, Yorkshire, linendraper, Nov. 14 at 12, District Court of Bankruptcy, Leeds, aud. ac.; Nov. 15 at 11, div.—*John Spittlehouse*, Sheffield, Yorkshire, joiner, Nov. 5 at 12, District Court of Bankruptcy, Sheffield, aud. ac.; Nov. 12 at 12, div.—*Ephraim L. Green*, Bevis Marks, London, wholesale clothier, Nov. 11 at 1, Court of Bankruptcy, London, div.—*Thomas M. Bowden*, Old Brentford, Middlesex, basket maker, Nov. 11 at 1, Court of Bankruptcy, London, div.—*George Hennes*, Duke-street, Westminster, Middlesex, and Bristol and Bridgewater, Somersetshire, and Plymouth and Teignmouth, Devonshire, railway contractor, Nov. 11 at 11, Court of Bankruptcy, London, div.—*John Fiddaman*, Newark-upon-Trent, Nottinghamshire, currier, Nov. 18 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*James M'Monies*, Liverpool, corn merchant, Nov. 17 at 11, District Court of Bankruptcy, Liverpool, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Scovell*, St. George's-road, New Kent-road, Surrey, and Botolph-lane, London, fish salesman, Nov. 11 at 1, Court of Bankruptcy, London.—*Alfred Rogers*, Upper Marylebone-street, Middlesex, draper, Nov. 12 at half-past 11, Court of Bankruptcy, London.—*Thomas Linnell*, Gresham-street, London, commission agent, Nov. 11 at 1, Court of Bankruptcy, London.—*E. C. Fyfe* and *E. W. Fyfe*, Howford-buildings, Fenchurch-street, London, merchants, Nov. 12 at 11, Court of Bankruptcy, London.—*Henry Gould* and *F. H. Gould*, Watling-street, London, wholesale lace warehousemen, Nov. 11 at 2, Court of Bankruptcy, London.—*William Laycock*, Bradford, Yorkshire, innkeeper, Nov. 14 at half-past 11, District Court of Bankruptcy, Leeds.—*Henry Hunt*, Heaton Norris, Lancashire, paper manufacturer, Nov. 11 at 12, District Court of Bankruptcy, Manchester.—*Robert Owen*, Manchester, tailor, Nov. 14 at 12, District Court of Bankruptcy, Manchester.—*Frances I. Dagnall*, Liverpool, wholesale comb manufacturer, Nov. 14 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Underhill*, Wolverhampton, Staffordshire, commission agent, Nov. 14 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*David Powell*, Woolwich, Kent, linendraper.—*H. Woolf* and *Isaac Lyons*, Cripplegate-buildings, London, umbrella manufacturers.—*Geo. Prockter*, Rochdale, Lancashire, cotton spinner.—*Jas. Scott*, Sheffield, Yorkshire, innkeeper.—*S. P. Boof*, Birmingham, stationer.

## PETITION ANNULLED.

*William Gumbling*, Southampton, builder.

## SOURCE SEQUESTRATIONS.

*Charles Cowpar*, Glasgow, spirit dealer.—*Michael Lawson*, Edinburgh, solicitor.—*Thos. Guthrie*, Arbroath, draper.—*Hugh Munro*, Tain, cabinet maker.

## INSOLVENT DEBTORS

*Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Young*, Bristol, retailer of beer, Oct. 26 at 11, County Court of Gloucestershire, at Bristol.—*William New*, Bristol, smith, Oct. 26 at 11, County Court of Gloucestershire, at Bristol.—*Wm. Watts*, Bristol, carpenter, Oct. 26 at 11, County Court of Gloucestershire, at Bristol.—*Richard*

*Nelson Harvey*, New Shoreham, Sussex, master mariner, Nov. 5 at 10, County Court of Sussex, at Brighton.—*James Willard*, Lindfield, Sussex, millwright, Nov. 3 at 12, County Court of Sussex, at Cuckfield.—*Henry Hayler*, Lewes, Sussex, fishmonger, Nov. 1 at 11, County Court of Sussex, at Lewes.—*John Sorby*, Ecclesall Bierlow, Sheffield, Yorkshire, commercial traveller, Nov. 2 at 12, County Court of Yorkshire, at Sheffield.—*Wm. Flemmings*, Sheffield, Yorkshire, brick maker, Nov. 2 at 12, County Court of Yorkshire, at Sheffield.—*Henry Travis*, Sheffield, Yorkshire, druggist, Nov. 2 at 12, County Court of Yorkshire, at Sheffield.—*Jas. White* the elder, Nether Hallam, Sheffield, Yorkshire, mason, Nov. 4 at 12, County Court of Yorkshire, at Sheffield.—*M. Armstrong*, Longboughton, Northumberland, butcher, Nov. 10 at 10, County Court of Northumberland, at Alnwick.—*E. Graham*, Alnwick, Northumberland, schoolmaster, Nov. 10 at 10, County Court of Northumberland, at Alnwick.—*Benj. Anthony*, Newport, Monmouthshire, beer retailer, Nov. 9 at 12, County Court of Monmouthshire, at Newport.—*Joseph Marshall Seayears*, Upwell, Norfolk, land surveyor, Oct. 28 at 12, County Court of Cambridgeshire, at Wisbech.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 4 at 10, before the CHIEF COMMISSIONER.*

*Jos. Budworth Sharp*, Gibson-square, Islington, Middlesex, waterproofer of cloths.—*Abraham N. Luke*, St. George's-street, St. George's-in-the-East, Middlesex, labourer.

*Nov. 4 at 11, before Mr. Commissioner PHILLIPS.*

*George H. Galloway*, St. George's-road, New Kent-road, Surrey, out of business.—*Henry Batterson*, Church-street, Kensington, Middlesex, lodging-house keeper.—*T. Bromley*, Great Barlow-street, High-street, Marylebone, Middlesex, lodging-house keeper.—*John T. Hodson*, High-st., Peckham, Surrey, tobacconist.—*Peter P. Couch*, Waverley-road, Harrow-road, Paddington, Middlesex, civil engineer.—*Christopher Melton*, Tothill-street, Westminster, Middlesex, saddler.

*Nov. 4 at 11, before Mr. Commissioner MURPHY.*

*Francis Fosbery*, Queen's-terrace, Bayswater, Middlesex, retired captain on half-pay in the Honourable East India Company's Service.—*Etienne Perdue*, Lower John-street, Commercial-road East, Middlesex, bitumen manufacturer.—*Philip Fama*, Swan-street, Minorics, Middlesex, dealer in cigars.—*John Andrew Nolan*, Hales-place, South Lambeth, Surrey, in no business.—*John Burden*, Carter-st., Walworth-road, Surrey, accountant.—*Alexander Ironside*, South-street, Pentonville-hill, Pentonville, Middlesex, assistant to a cheesemonger.—*Edwin Dipple*, Chalcraft-terrace, New-cut, Lambeth, Surrey, shopman to a gas-lamp manufacturer.

*Nov. 7 at 10, before the CHIEF COMMISSIONER.*

*Charles Robinson*, Rutland-place, Cowper-road, Albert-town, Stoke Newington, Middlesex, iron bedstead manufacturer.—*Edward Lance*, High-street, Kensington, Middlesex, hat manufacturer.—*John La Guerrande*, Clarence-street, Islington, Middlesex, in no business.

## Adjourned Hearing.

*Thomas Wescott*, Union-square, Southwark, Surrey, commission agent.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Nov. 1 at 10.*

*Wm. Kay Hannaford*, Totness, linendraper's assistant.—*Solomon Pentecost*, Clifton, Dartmouth Hardness, baker.

*At the County Court of Somersetshire, at TAUNTON, Nov. 2.*

*John Gray*, Timsbury, in no business.

*At the County Court of Lancashire, at LANCASTER, Nov. 4 at 10.*

*John P. Owens*, Windsor End, Burbage, near Hinckley, Leicestershire, grocer.—*Robert Williams*, Liverpool, out of business.—*Robert M'Kittrick*, Liverpool, out of business.—*Charles Eastwood*, Manchester, fruiterer.—*Richard Pilkington*, Gilnow, near Bolton-le-Moors, farmer.—*Joseph Laycock*, Manchester, out of business.—*Henry Myers*, Blackburn, out

of business.—*Edward Langtree*, Hulme, Manchester, retail dealer in ale.—*Wm. Sharples*, Blackburn, potato dealer.—*John Ainsworth*, Blackburn, cotton spinner.—*John Hartley*, Higher Ardwick, Manchester, assistant to a baker.—*James Higgins*, Blackburn, shoemaker.—*Peter Peak*, Liverpool, dealer in coal.—*Thomas L. Cragg*, Blackpool, grocer.—*John Fisher*, Manchester, out of business.—*Wm. Nelson*, Skerton, near Lancaster, out of business.—*Thomas M. Walsh*, Manchester, out of employment.—*Peter Dutton*, Blackburn, beer seller.—*Wm. Thomson*, Manchester, out of business.—*John F. Collas*, Deansgate, Manchester, out of business.—*John Wolstencroft*, Middleton, near Manchester, grocer.—*Michael Dillon*, Rochdale, fishmonger.—*Samuel Birks*, Lancaster, in no business.—*Joseph Wilson*, Warrington, coach builder.

*At the County Court of Nottinghamshire, at NOTTINGHAM, Nov. 10.*

*Wm. Dennett* the younger, Sneinton, out of business.

*At the County Court of Devonshire, at EXETER, Nov. 15 at 10.*

*John Palk*, Devonport, victualler.

#### MEETING.

*John Bennett*, Cambridge, bricklayer, Nov. 7 at 12, at Hunt's, Cambridge, sp. aff.

### TUESDAY, OCTOBER 25.

#### BANKRUPTS.

**JOSEPH MATTHEWS**, Little Waltham and Great Waltham, Essex, grocer, draper, dealer and chapman, Nov. 3 and Dec. 8 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Linklater, Sise-lane.—Petition filed Oct. 20.

**THOMAS PYE**, Manor-st., Chelsea, Middlesex, sawyer, timber merchant, dealer and chapman, Nov. 4 and Dec. 19 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Miller & Horn, 78, King William-street, City.—Petition dated Oct. 21.

**JOHN DAWSON**, Tolleshunt D'Arcy, Essex, surgeon and apothecary, dealer and chapman, Nov. 11 at half-past 12, and Dec. 10 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Banks & Stevens, Witham, Essex; Stevens & Satchell, 6, Queen-street, Cheapside.—Petition dated Oct. 21.

**CHARLES SUMPTER MORRIS**, Soham, Cambridge-shire, ironmonger and gas manufacturer, Nov. 5 at half-past 11, and Dec. 10 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Tillett & Mendham, Norwich; Storey, 17, Featherstone-buildings.—Petition dated Oct. 17.

**HENRY BRANN**, Old Fish-street-hill, London, importer of foreign glass, fancy goods, and general agent, dealer and chapman, Nov. 5 at 11, and Dec. 10 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Parker, 30, Moorgate-street, London.—Petition dated Oct. 14.

**GEORGE GILLARD**, New-street, Covent-garden, Middlesex, boot and shoe salesman, dealer and chapman, Nov. 5 at 2, and Dec. 10 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Storey, 36, Great James-street.—Petition filed Oct. 18.

**GEORGE BENNETT**, Birmingham, licensed victualler, Nov. 7 and 26 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Standbridge, Birmingham.—Petition dated Oct. 22.

**STEPHEN CRUTE**, Liverpool, slater and plasterer, dealer and chapman, Nov. 14 and 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Banner, Liverpool.—Petition filed Oct. 21.

**WILLIAM BROOK**, of Manchester, late of London, stuff merchant and warehouseman, (trading under the style or firm of William Brook & Co.), Nov. 9 and 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Oct. 19.

**BENJAMIN NUNNINGTON DODD**, Hetton-le-Hole, Durham, grocer and draper, Nov. 7 at 12, and Nov. 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. A. J. & W. Moore, Sunderland.—Petition filed Oct. 4.

#### MEETINGS.

*John Robins Vivian*, Cheapside, London, dealer in mining shares, Nov. 4 at half-past 11, Court of Bankruptcy, London, last ex.—*Joseph Legge* and *John Legge*, Marlborough-road, Brompton, and Charlton-street, Belgrave-road, Fimlico, Middlesex, cabinet makers, Nov. 5 at 1, Court of Bankruptcy, London, last ex.—*Henry Solomon*, Holborn-hill, London, and Cumberland-place and Surrey-place, Old Kent-road, Surrey, furniture broker, Nov. 4 at 1, Court of Bankruptcy, London, and. ac.—*John Seager*, Hungerford Wharf, Strand, Middlesex, wine merchant, Nov. 17 at 12, Court of Bankruptcy, London, and. ac.—*William Powis*, Somerset-place, Hoxton, Middlesex, spinner, Nov. 17 at 12, Court of Bankruptcy, London, and. ac.—*John Strutt*, Catherine-street and Buckingham-street, Strand, Middlesex, newspaper proprietor, Nov. 17 at 11, Court of Bankruptcy, London, and. ac.—*John Lew*, Ramsden Wood, near Todmorden, and *Eli Hudson*, Gale, near Littleborough, Lancashire, cotton spinners, Nov. 10 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 17 at 12, div.—*Edward Emerson* and *Barnabas Fenwick*, Stella, Durham, Newcastle-upon-Tyne, iron founders, Nov. 14 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac., and Nov. 16 at 1, div. sep. est. of *B. Fenwick*.—*N. Mence*, Worcester, brewer, Nov. 21 at 11, Court of Bankruptcy, London, div.—*James Nutter* and *Wm. Elliston*, Cambridge, brewers, Nov. 21 at 1, Court of Bankruptcy, London, div.—*David Allen*, Coleman-street and Ladbury, London, merchant, Nov. 21 at 2, Court of Bankruptcy, London, div.—*Herbert Ashton* and *Steward Spriggs*, Aldermanbury, London, warehousemen, Nov. 21 at 12, Court of Bankruptcy, London, div.—*John Chisholm* and *William Chisholm*, Dorking, Surrey, and Ludgate-hill, London, wholesale perfumers, Nov. 15 at 12, Court of Bankruptcy, London, div.—*John Robinson*, Nassau-place, Commercial-road East, and Cannon-street-road East, Middlesex, wholesale clothier, Nov. 15 at 1, Court of Bankruptcy, London, div.—*Henry Thompson*, Manchester, and Nafferton, near Driffield, Yorkshire, corn merchant, Nov. 15 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. L. F. Tollemache*, Grosvenor-sq., Middlesex, horse dealer, Nov. 16 at 1, Court of Bankruptcy, London.—*Charles J. Egan*, High-row, Knightsbridge, Middlesex, ironmonger, Nov. 16 at 2, Court of Bankruptcy, London.—*John White*, Charles-street, Tottenham-court-road, Middlesex, draper, Nov. 17 at 11, Court of Bankruptcy, London.—*William Quintan*, Leather-lane, Middlesex, butcher, Nov. 17 at 1, Court of Bankruptcy, London.—*Richard Wallis Dore*, Queen-street, Cheapside, London, shoe factor, Nov. 17 at 2, Court of Bankruptcy, London.—*John Seager*, Hungerford Wharf, Strand, Middlesex, wine merchant, Nov. 17 at 12, Court of Bankruptcy, London.—*Robert Moore Twoood*, Cwm Brane, near Newport, Monmouthshire, grocer, Nov. 15 at 11, District Court of Bankruptcy, Bristol.—*Charles Moss Salmon*, Birmingham, general dealer, Nov. 19 at 10, District Court of Bankruptcy, Birmingham.

#### SCOTCH SEQUESTRATIONS.

*Janet Thriepland*, Glasgow, shoemaker.—*Alex. Crichton*, Edinburgh, print seller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*David Griffiths*, Carmarthen, tailor, Nov. 15 at 2, County Court of Carmarthenshire, at Carmarthen.—*Thomas Haigh*, Crosshills, Kildwick, Yorkshire, out of business, Nov. 11 at 10, County Court of Yorkshire, at Skipton.—*John Mason*, Embassy, Skipton, Yorkshire, stone mason, Nov. 11 at 10, County Court of Yorkshire, at Skipton.—*Robert Ind* (and not *Jud*, as before advertised), Iron Acton, Gloucestershire, cattle and pig dealer, Nov. 26 at 11, County Court of Gloucestershire, at Chipping Sodbury.—*William Austin*, Newborough, Northamptonshire, out of business, Nov. 7 at 12, County Court of Northamptonshire, at Peterborough.—*Miller Marshall*, Horton, Bradford, Yorkshire, overlooker, Nov. 4 at 11, County Court of Yorkshire, at Bradford.—*Charles Newcome*, Bradford, Yorkshire, overlooker of power looms, Nov. 4 at 11,

County Court of Yorkshire, at Bradford.—*John Sykes*, Clayton, Bradford, Yorkshire, stone delfer, Nov. 4 at 11, County Court of Yorkshire, at Bradford.—*Robt. Holt*, Hulme, Manchester, house painter, Nov. 14 at 12, County Court of Lancashire, at Manchester.—*Charles Bainbridge*, Croft, near Milnrow, Rochdale, Lancashire, wheelwright, Nov. 17 at 12, County Court of Lancashire, at Rochdale.—*Richard Taylor*, Gig, near Bury, Lancashire, spindle manufacturer, Nov. 15 at 12, County Court of Lancashire, at Haslingden.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 26 at 11, before Mr. Commissioner PHILLIPS.*

*James Powell*, Judd-place West, Euston-square, New-road, Middlesex, china dealer.—*Richard Earl*, Dover-place, West Kent-street-road, Southwark, Surrey, baker.—*Perceval A. Scott*, Magdalen-street, St. John, Southwark, Surrey, waterman.—*Alfred E. Carter*, West Middlesex Water Company's Reservoir, Kensington, Middlesex, clerk to the said Water Company.—*Charles Baker Earl*, Hampden-street, Harrow-road, Paddington, Middlesex, painter.—*Geo. Barwis*, Croom's Hill-grove, Greenwich, Kent, attorney-at-law.

*Dec. 2 at 11, before Mr. Commissioner MURPHY.*

*Wm. Medhurst*, Pilgrim Hatch, South Weald, Essex, gardener.—*William James Jennings*, Chiswell-street, Finsbury, Middlesex, baker.

*Saturday, Oct. 22.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Bennett*, Manchester, out of business, No. 76,918 C.; *Thomas Kind*, assignee.—*James Richards*, Penygader, Abergully, Carmarthenshire, farmer, No. 75,762 C.; *Richard Harris*, assignee.

*Saturday, Oct. 22.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Lucy Westwood*, widow, John-court, Farm-street-mews, Grovenor-square, Middlesex: in the Debtors Prison for London and Middlesex.—*Wm. Smith*, Goodge-street, Tottenham-court-road, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Algernon Sydney Sparks*, Little Queen-street, Westminster, Middlesex, patentee clothier: in the Debtors Prison for London and Middlesex.—*Henry John Jacquet*, Stanhope-street, Hampstead-road, Middlesex, watch manufacturer: in the Debtors Prison for London and Middlesex.—*Chas. Roberts*, Sherbourn-cottages, Sherbourn-street, Islington, Middlesex, gardener: in the Debtors Prison for London and Middlesex.—*Philip Rogers*, St. Agnes-terrace, Shoreditch, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*S. Burnham*, Sherbourne-street, Paddington, Middlesex, provision merchant: in the Queen's Prison.—*T. C. Burgen*, Barton-crescent, New-road, Middlesex, general merchant: in the Debtors Prison for London and Middlesex.—*Wm. H. Smith*, Blackfriars-road, Surrey, retired commander in the Royal Navy: in the Gaol of Surrey.—*John Wilson*, Edgeware-road, Marylebone, Middlesex, eating-house keeper: in the Debtors Prison for London and Middlesex.—*P. L. A. Baillet de Guerville*, Abingdon-street, Westminster, Middlesex, teacher of the French language: in the Queen's Prison.—*Thomas Jonah Joy*, Vernon-terrace, Notting-hill, Middlesex, pensioner in the Coast Guard Service: in the Debtors Prison for London and Middlesex.—*E. Gathereole*, New-street, Vauxhall-street, Lambeth, Surrey, omnibus driver: in the Gaol of Surrey.—*John Arnold*, West Ham, Essex, carpenter: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*James Troup*, Portsea-place, Connaught-square, Middlesex, gentleman: in the Queen's Prison.

*(On their own Petitions).*

*Robert McKittrick*, Liverpool, out of business: in the Gaol of Lancaster.—*Henry Myers*, Blackburn, Lancashire, draper's

assistant: in the Gaol of Lancaster.—*B. Whittaker*, Manchester, furniture broker: in the Gaol of Lancaster.—*Richard Pilkington*, Gilnow, Bolton-le-Moors, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*T. M. Walsh*, Manchester, out of employment: in the Gaol of Lancaster.—*Charles Eastwood*, Manchester, fruiterer: in the Gaol of Lancaster.—*Joseph Laycock*, Manchester, out of business: in the Gaol of Lancaster.—*John Atkinson*, Blackburn, Lancashire, cotton spinner: in the Gaol of Lancaster.—*John Hartley*, Manchester, assistant to a baker: in the Gaol of Lancaster.—*J. Foster*, Hulme-upon-Spalding-Moor, Yorkshire, farmer: in the Gaol of York.—*G. Reynolds*, Birmingham, foreman to a butcher: in the Gaol of Coventry.—*Hugh Roberts*, Ty-carrig Nantyr, Llangainffraid-Glyn-Cedrig, Denbighshire, out of business: in the Gaol of Ruthin.—*John Hobson*, Newcastle-upon-Tyne, assistant shopman: in the Gaol of Newcastle-upon-Tyne.—*Richard Hewitt*, Bath, Somersetshire, stage-coach proprietor: in the Gaol of Fisherton Anger.—*Wm. Iredale*, Doncaster, Yorkshire, out of business: in the Gaol of York.—*Michael Wilson*, Huddersfield, Yorkshire, innkeeper: in the Gaol of York.—*S. Jackson*, Clifton View, Prestwich, near Manchester, warehouseman: in the Gaol of Lancaster.—*J. Craven*, Leeds, Yorkshire, flour dealer: in the Gaol of York.—*E. Thompson*, Reading, Berkshire, brushmaker: in the Gaol of Reading.—*Wm. T. Rodwell* the younger, Roydon, Essex, labourer: in the Gaol of Springfield.—*James Alcock*, Derby, out of business: in the Gaol of Derby.—*George Wilde*, Merthyr Tydvil, Glamorganshire, pawnbroker: in the Gaol of Cardiff.—*David Lipecombe*, St. John Bedwardine, Worcestershire, conservator of the fishery of the river Teme: in the Gaol of Worcester.—*Alfred Plummer*, Newbury, Berkshire, baker: in the Gaol of Reading.—*Wm. Rockliff*, Boston Spa, near Tadcaster, Yorkshire, smith: in the Gaol of York.—*J. Gurney*, Bulley, Gloucestershire, carpenter: in the Gaol of Gloucester.—*Wm. Jones*, Kittle Pennard, Glamorganshire, shoemaker: in the Gaol of Cardiff.—*J. Smith*, St. Leonard's-on-the-Sea, Sussex, cabinet maker: in the Gaol of Dover.

*(On Creditor's Petition.)*

*Alice Rotherham*, widow, Skelmersdale, Lancashire: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 8 at 11, before Mr. Commissioner MURPHY.*

*Edward Sait*, Royal Opera Arcade, Pall-mall, Middlesex, shirt maker.—*T. C. Perkins*, St. James's-place, Old Kent-road, Surrey, in no business.—*John Peter Finn*, Lisle-street, Leicester-square, Middlesex, auctioneer's clerk.—*G. Brown*, Ewell, near Epsom, Surrey, smith.

*Nov. 9 at 10, before the CHIEF COMMISSIONER.*

*Thos. W. Vokes*, York-road, Lambeth, Surrey, in no profession.

*Adjourned.*

*H. Clark*, Hillingdon, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Nov. 8 at 12.*

*John Spicer* the elder, Elham, farm bailiff.—*Thos. Milton* the younger, Chatham, bookbinder.—*H. Standish*, Gravesend, wood turner.

*At the County Court of Worcestershire, at WORCESTER, Nov. 9.*

*David Lipecombe*, St. John Bedwardine, conservator of the fishery of the river Teme.

*At the County Court of Essex, at CHELMSFORD, Nov. 10 at 12.*

*Wm. Thomas Rodwell* the younger, Roydon, labourer.

*At the County Court of Denbighshire, at RUTHIN, Nov. 11 at 11.*

*Hugh Roberts*, Ty-carrig, Nantyr, Llangadwaladr, out of business.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—*Jonathan Joseph Richardson*, Esq., for the borough of Lisburn, in the room of Roger Johnson Smyth, Esq., deceased.

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# The Jurist

No. 878—VOL. XVII. NOVEMBER 5, 1853.

PRICE 1s.

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LONDON, NOVEMBER 5, 1853.

It seems to have been thought by many that the New Stamp Act, 16 & 17 Vict. c. 59, has imposed some extraordinary obligations upon the receiving class of the public, and has exposed them to new penalties for giving an unstamped receipt, or for refusing to give a stamped one on demand. The fact is, however, that the penalties which now exist for these offences have existed since the stats. 35 Geo. 3, c. 55, and 43 Geo. 3, c. 126: by the former, any person who writes or signs a receipt that is not properly stamped is liable to a penalty of 10*l.*, (sect. 8); and by the latter, any person who shall have paid money, for the receipt of which a stamped receipt ought to have been given, may provide such receipt, and demand of the person to whom the payment was made, a receipt for the money paid and the amount of the duty. (Sect. 5). In case of refusal the penalty is 10*l.* (See *Laing v. Meader*, 1 Car. & P. 257; *Richardson v. Jackson*, 8 M. & W. 298). The new statute makes no difference in this respect, except that as it fixes the minimum sum requiring a receipt stamp at 2*l.*, instead of at 5*l.*, and as it applies the old stamp laws to its own provisions, the above penalties will now attach

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upon receipts for the reduced sum of 2*l.* The act is decidedly favourable to the public, diminishing the amount of duties upon several instruments of very common use, and tending to promote general convenience. The duty henceforth upon all receipts, and on drafts or orders for the payment of any sum of money to the bearer or to order on demand, will be 1*d.*, and may be denoted by a stamp impressed upon the paper, or by an adhesive stamp affixed thereto. In the latter case, before the instrument is delivered out of the hands of the person giving it, he is to obliterate the stamp by writing thereon his name or initials; and unless this be done *bonâ fide*, he is liable to a penalty of 10*l.* Other provisions are made against the fraudulent removal or second user of such stamp. As a general rule, the receipt contemplated by the act is that which is given upon payment of a pre-existing debt; (*Taylor v. Steele*, 16 M. & W. 665); and we find express exemption of receipts given for money deposited in any bank or in the hands of any banker to be accounted for, whether with interest or not, provided the same is not expressed to be received by the hands of any other than the person to whom the same is to be accounted for; but the exemption is not to extend to receipts for sums paid or deposited for letters of allotment of shares, or in respect of calls upon shares, which last-mentioned receipts, by whomsoever given, are to be liable to the penny duty. (Sects. 3—5, and Schedule, tit. “Receipt”). The latter clause seems to have been introduced in consequence of the decision in *Clarke v. Chaplin*, (1 Exch. 26; 4 Exch. 403). We have said that the sum for which a receipt stamp is necessary now commences at 2*l.*; and it may here be observed, that formerly there was a duty of 2*d.* on receipts for sums from 2*l.* to 5*l.* That was altered by the 3 & 4 Will. 4, c. 23, and then the duty of 3*d.* was imposed for sums from 5*l.* to 10*l.*,

and in proportion for larger amounts. Receipts may be stamped within fourteen days after they have been given or bear date, on payment of 5*l.*; beyond fourteen days, and within a month, on payment of 10*l.*; and afterwards not at all. (35 Geo. 3, c. 55, s. 11).

With regard to "drafts or orders for the payment of money to the bearer or order on demand," which were formerly classed in the stamp code under bills of exchange and promissory notes, and liable to an ad valorem duty, they are now chargeable at the uniform rate of one penny. Letters of credit are included under the above term, unless sent by persons in the United Kingdom to persons abroad, authorising drafts on the United Kingdom. Drafts upon bankers heretofore exempt are still exempted—namely, when drawn payable to bearer on demand upon persons acting as bankers within fifteen miles of the place where they are issued, such place to be specified on the draft, which is also to bear date on or before the day of its issue, and is not to direct payment by bills or notes. (9 Geo. 4, c. 49, s. 15). As to penalties for frauds under colour of this exemption, see 55 Geo. 3, c. 184, s. 13.

It will be a great convenience hereafter to be able to transmit cheques by post, making them payable to order, and affixing a penny stamp thereon, by which means they will be negotiable only by the indorsement of the payee. And here we must notice a very important clause, strangely introduced into the act, being rather the subject of general than of stamp law, by which any draft or order drawn upon a banker for money payable to order on demand, which when presented purports to be indorsed by the person to whom the same shall be drawn payable, shall be sufficient authority to the banker to pay the bearer; and it shall not be incumbent upon such banker to prove that such indorsement, or any subsequent indorsement, was made by the person to whom the draft was made payable by the drawer or any indorser. (Sect. 19). The law is well settled, that in cases not within this saving clause, bankers paying a forged indorsement, purporting to be that of a customer, must bear the loss. (See *Roberts v. Tucker*, 15 Jur., part 1, p. 987; 20 L. J., Q. B., 270).

We must defer until our next article the consideration of the remaining sections, which relate to stamp duties in respect of the following subjects:—1. Articles of clerkship to attornies, in order to admission in any of the courts of the counties palatine. 2. Bonds and mortgages given by public companies, and the transfer thereof. 3. Conveyances of estates, subject to any debt to be afterwards paid by the purchaser, or where the consideration is a rent-charge or annuity made subject to redemption or repurchase. 4. Counterparts of leases. 5. Inventories of personal estate in Scotland of deceased persons. 6. Licenses to clergymen to perform divine service. 7. Life insurance. And 8. Playing cards. Provision is also made for obtaining the opinion of the Commissioners at Somerset House whether any stamp is required, as well as to the particular stamp required, which was provided for by the 13 & 14 Vict. c. 97; for facilitating the purchase of postage-stamps; for obtaining allowance for stamps rendered useless by the act; and for exempting officers of the Inland Revenue from serving as mayor or sheriff, or in any corporate, parochial, or other public office, or on a jury, or in the militia.

It should be observed that the act came into force on the 10th of last month, (10th October, 1853), and by the 1st section it is not to repeal or alter any of the stamp duties payable in relation to any instrument signed or executed by any party thereto, or which bears date before or upon that day.

## Court Papers.

### EQUITY CAUSE LISTS, MICHAELMAS TERM, 1853.

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

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Before the LORDS JUSTICES.

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*Moss v. Bainbridge* (E to ans.)  
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*Wells v. Wells* (Cause)  
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*Att.-Gen. v. Cope* (Cause)  
*Cook v. Darwin* (Cause)  
*Bartlett v. Harton* } (Cause)  
*Same v. Same* }  
*Greaves v. Wilson* (Cl)  
*Agassiz v. Squire* (F D, C)  
*Gray v. Austin* (Further con.)  
*Marriott v. Bowler* (Cl)  
*Salviati v. Denman* (Cl)  
*Sutton v. Grant* (Further con.)  
*Poupard v. Barham* (Cause)  
*Bycroft v. Sybel* (Cause)  
*Attwater v. Attwater* (Sp. a.)  
*Crowe v. Crisford* (Cause)  
*Bennett v. Stone* (Further con.)  
*Flamank v. Goddard* (Cl)  
*Figgins v. Herflage* (Cause)  
*Rhodes v. Buckland* (Cause)  
*Eld v. Durant* (3 titles, (F D, C)  
*Band v. Yardell* (Cl)  
*Attorney-General v. Biddulph* (M for decree)  
*Brotherton v. Bary* (Sp. case)  
*Peter v. Gynn* (Cl)  
*White v. Bird* (F D, C)  
*Vincent v. M'Dowell* (Cl)  
*Wintersgill v. Wintersgill* (Cl)  
*Wintersgill v. Wintersgill* (Cl)  
*Ricketts v. Trumphet* (Cl)  
*Cowley v. Watts* (Further con.)  
*Bowman v. Green* (Fur. con.)  
*May v. Westropp* (Cause)  
*Newman v. Abarrow* (Further consideration)  
*Hughes v. Eyton* (Cl)  
*Thornber v. Sheard* (E)  
*Jennings v. Jennings* (M for decree)  
*Stott v. Reese* (Cl)  
*Lainson v. Lainson* } (E)  
*Same v. Ede* }  
*Lainson v. Lainson* } (F D, C, Ptn)  
*Same v. Ede* }  
*Hewitt v. Hewitt* (M for dec.)  
*Clark v. Monk* (Cl)  
*Oldman v. Swallow* (Further consideration)  
*Crow v. Crow* (Further con.)  
*Duncan v. Cannan* (M for dec.)  
*Summerfield v. Prichard* (Ca)  
*Dec v. Att.-Gen.* (Cause).

**Vice-Chancellors' Courts.***Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.***CAUSES, &c.**

alk v. Gibson (Cause)  
 annett v. Powell (M for dec.)  
 argess v. Burgess (M for dec.)  
 anier v. Cory (Cl)  
 reen v. Martin (Cause)  
 anson v. Tucker (4 titles, cause)  
 otner v. Cooper (M for dec.)  
 ennapp v. Burns (F D, C, me v. Hockley } Ptn, part  
 /sy v. East } heard)  
 rector v. Cooper (Cause)  
 odson v. Micklethwaite (Cl)  
 ashison v. Clark (Cause)  
 ornby v. De Prebois (Cl)  
 ood v. M'Lachlan (Cause)  
 yppon v. Wawn (Cause)  
 mmans v. Smith (Cl)  
 aldrén v. Holt (M for dec.)  
 yce v. Bury (M for decree)  
 nglish v. Baring } (Cause)  
 uring v. English }  
 shwin v. Smith (Cause)  
 ooke v. Bail (M for decree)  
 tylor v. Richardson (M for decree)  
 stibbert v. Flower (Cause)  
 ight v. Paterson } (Cause)  
 elley v. Same }  
 ymott v. Rawles (Cl)  
 umber v. Wilson (Cl)  
 umber v. Wilson (Cl)  
 ing v. Bell (F D, C)  
 ead v. James (Cl)  
 erideth v. Watson (Cause)  
 ooch v. Lee (Cl)  
 onard v. Pearson } (F D, C)  
 lick v. Same }  
 ill v. Great Northern Rail-  
 way Co. (Cause)  
 reatfield v. Bedford (M for  
 decree)  
 arl v. Soulbey (F D, C)  
 nes v. Roberts (Cl)  
 aller v. Vigners (Cl)  
 ayster v. Maclean } (F D, C,  
 me v. Bell } Ptn)  
 illwell v. Mellerah (4 titles,  
 F D, C)

Hitchman v. Stewart } (Cau.)  
 Trail v. Same }  
 Rice v. Rice (M for decree)  
 Hobhouse v. Bland (F D, C)  
 Durant v. Durant } (Ca.)  
 Maclean v. Thompson }  
 Graham v. Smith (Cause)  
 Quested v. Michel (F D, C)  
 Andrew v. Andrew (6 titles,  
 further consideration)  
 Small v. Currie (Cause)  
 Morgan v. Morgan } (F D, C)  
 Same v. Thomas }  
 Penney v. Goode (Cause)  
 Walker v. Gray } (E, F D, C)  
 Same v. Same }  
 Bishop v. Countess of Jersey  
 (Cause)  
 Powell v. Smith (Cl)  
 Harries v. Rainbott (3 titles,  
 F D, C)  
 Watlington v. Waldron (Sp.  
 case)  
 Tod v. Baile (F D, C)  
 Wright v. Pell (E, F D, C)  
 Stacy v. Southee (M for dec.)  
 Alleyne v. Bevan (Cl)  
 Boulcott v. Boulcott (Sp. case)  
 Winbolt v. Grant (F D, C)  
 Gabbitts v. Saunders } (F D,  
 Gravelly v. Same } C)  
 Hanson v. Hartley (Further  
 consideration)  
 Head v. Hamlin (F D, C)  
 Head v. Crabb (F D, C)  
 Derrick v. Dighton (M for de.)  
 D'Aubiers v. Fowler (F D, C)  
 Brain v. Brain (Cause)  
 Hawkins v. Henson (Cause)  
 Bleaky v. Bleaky (F D, C)  
 Topping v. Sewall } (F D, C)  
 Same v. Same }  
 Deacon v. Colquhoun (Cause)  
 Barnett v. Cooper (Cause)  
 Furse v. Hammer (M for dec.)  
 Boulcott v. Boulcott (Sp. ca.)  
 Headen v. Emmott } (M for  
 Same v. Same } decree)  
 Sharples v. Marsh (3 titles,  
 F D, C).

*Before Vice-Chancellor Sir J. STUART.***PLEAS, DEMURRERS, CAUSES, &c.**

imes v. Steinberg (D)  
 aw v. Thackray (Cause)  
 awson v. Spence (Cause)  
 arrison v. Harrison } (F D,  
 ope v. Same } C)  
 ope v. Threlfall } (Cause)  
 me v. Same }  
 willine v. Lane (M for dec.)  
 orbes v. Limond (Cause)  
 dwards v. Edwards (Cl)  
 mith v. Smith (Cause) SA  
 earson v. Pearson } (F D, C)  
 me v. Same }  
 arrison v. Young (M for dec.)  
 rome v. Godfrey (Cause)  
 ilder v. Moulton (M for dec.)  
 otherham v. Batteson (Cau.)  
 omas v. Lindsay (Cause)  
 atwill v. Rimell (Cause)  
 enwick v. Potts (Cause)  
 npton v. Jackson } (F D,  
 leek v. Same } C)  
 owie v. Hughes (M for dec.)

Kerby v. Hill (Cause)  
 Paramore v. Greenslade (4 tit.,  
 F D, C)  
 Letts v. London and Black-  
 wall Railway Co. (Cause)  
 Holding v. Barton (M for dec.)  
 Royal British Bank v. Wil-  
 liams (Cl)  
 Cole v. Eaton } (Cause)  
 Stocknell v. Duke } SA  
 of Sutherland }  
 Goodridge v. Honeywill (3  
 titles, F D, C)  
 Letts v. London Corn Ex-  
 change Co. (E, F D, C)  
 Bird v. Nield (Cause) SA  
 Bird v. Charrington } (Cau.)  
 Same v. Same }  
 Blair v. Ormond (F D, C)  
 Barnes v. Clarke (3 titles, F D,  
 C)  
 Riddell v. Reid (Further con-  
 sideration) SA

Gillam v. Finch (F D, C)  
 Hussey v. Williams (Cl)  
 Govett v. Govett (F D, C)  
 Eades v. Harris (3 titles, F D,  
 C)  
 Woodburne v. Woodburne (4  
 titles, F D, C)  
 Stringer v. Fortune (Cl)  
 Job v. Job (Special case)  
 Lee v. Flood (F D)  
 Wilson v. Ouchterlony (3 tits.,  
 cause)  
 Forsyth v. Ellice } (E)  
 Same v. Same }  
 Surman v. Drinkwater (F D,  
 C)  
 Plumridge v. Smith (E)  
 Smith v. Plumridge (Furth.  
 consideration)  
 Elderton v. Sturgis (M for  
 decree)

Cropper v. Shacklady (Cl)  
 Walters v. Jones (M for dec.)  
 Fiott v. Lee (Cause)  
 M'Cormick v. Garnett (3 tits.,  
 F D, C)  
 Bishop v. Wise } (F D, C)  
 Same v. Blair }  
 Wilding v. Richards (F D, C)  
 Arnold v. Coape (Cause)  
 Vaudrey v. Howard (Cause)  
 Rushton v. Baddeley (Cl)  
 Falcke v. Sharmon (Cl)  
 Isaacs v. Garcia (4 tits., cau.)  
 Sibbald v. Lowrie (Cause)  
 Thomas v. Hall (E, F D, C)  
 Atlee v. Hook (Cause)  
 Sandford v. Jodrell } (Cause)  
 Same v. Same }  
 Tubb v. Penton (Further con-  
 sideration)  
 Att.-Gen. v. Alford (Cause).

*Before Vice-Chancellor Sir W. P. WOOD.***PLEAS, DEMURRERS, CAUSES, &c.**

Taylor v. Webster (D)  
 Liddell v. Norton (E to ans.)  
 Clements v. Fulman (E to fur-  
 ther answer)  
 Robinson v. Anderson (E to  
 further answer)  
 Boyse v. Rosborough (D)  
 Dalrymple v. Hannah (Cl)  
 Douglas v. Burdekin (3 titles,  
 cause)  
 Ames v. Ames (M for decree)  
 Sheppard v. Joynes (Cl)  
 Carter v. Hind (Cause)  
 Forbes v. Forbes (Cause)  
 Jones v. Bonney (Cause)  
 Clifford v. Clifford (Cause)  
 Spike v. Manners (Cause)  
 Gronow v. Lettsom (Sp. case)  
 Hibbert v. Balchin (Cl)  
 Chance v. Garry (Cause)  
 Pearson v. Wilcox (Cl)  
 Mounsey v. Irving (M for dec.)  
 Kavanagh v. Morland (Special  
 case)  
 Smith v. Hurlbutt (Cause)  
 Price v. Johnson (Cl)  
 Williams v. Morgan (M for  
 decree)  
 Hartridge v. Austin (Cause)  
 Evans v. Jones (Cause)  
 Fraser v. Patrickson (Cause)  
 Norton v. Steinkoff (M for  
 decree)  
 Bassett v. Wishart (Cl)  
 Mandeno v. Mandeno (Cause)  
 Gould v. White (Cl)  
 Brenan v. Preston } (Cause)  
 Same v. Same }  
 Walker v. Johnson (M for de-  
 cree)  
 Lane v. Fox (Cl)  
 Mills v. Fenwick (Cause)  
 Hodges v. Wale (Cause)  
 Wilson v. Wilson (Cl)  
 Stroud v. Norman (M for de-  
 cree)  
 Douglas v. Fellows (Cl)  
 Smith v. Brown (Cl)  
 Jenkins v. Evans (Sp. case)  
 Knight v. Knight (Cause)  
 Fry v. Capper (Special case)  
 Neatherway v. Fry (Sp. case)  
 Loosemore v. Knapman (M  
 for decree)  
 Furneaux v. Luscombe (Cl)  
 Barford v. Barford (Cl)

Wright v. Shelton (Cause)  
 Walter v. Peddle (Cl)  
 Att.-Gen. v. Slater (M for de-  
 cree)  
 Routh v. Blagrove (Cl)  
 Att.-Gen. v. Eastlake (M for  
 decree)  
 Litchfield v. Brown (Cl)  
 Ogden v. Brown (Cl)  
 Harvey v. Mayhew (Cause)  
 Wilson v. Birkett (M for dec.)  
 Reid v. Page (Cl)  
 Rowley v. Rowley (Cause)  
 Atkinson v. Oxford, Worces-  
 ter, and Wolverhampton  
 Railway Co. (Cause)  
 Mackley v. Smith (Cl)  
 Siffken v. Davis (M for dec.)  
 Osborne v. Barrett (Cause)  
 Jones v. Mason (Cl)  
 Walker v. Poole (Cause)  
 Lavender v. Lavender (Special  
 case)  
 Lowe v. Thomas (M for dec.)  
 Thornton v. Stokill (Cause)  
 Cope v. Harper (Cause)  
 Mountain v. Young (Cl)  
 Wilcox v. Maule (F D, C) }  
 Lewis v. Same (Cl) }  
 Yeoman v. Chawcroft (Cause)  
 Boileau v. Campbell (Cause)  
 Lindsay v. Botting (Cl)  
 Etherington v. Dewell (Cl)  
 Harris v. Martin (M for dec.)  
 Bennell v. Bennell (Sp. case)  
 Fellows v. Page (Special case)  
 Pearsall v. Maundrell (Cause)  
 Lawton v. Adderton (Cause)  
 Furely v. Biabopp (M for dec.)  
 Jones v. Bailey (Cause)  
 Robinson v. Lowwater (M for  
 decree)  
 Stoddart v. Zotti (Cause)  
 Greene v. Clare (Cl)  
 Haddelsey v. Adams (Cause)  
 Hall v. Want (Cl)  
 Weedon v. Dyns (Cl)  
 Plomer v. Plummer (Cause)  
 Carver v. Burgess (Cause)  
 Henderson v. Philipson (Cau.)  
 Robinson v. Haythornthwaite  
 (Cl)  
 Ormerod v. Rostron (M for  
 decree)  
 Stead v. Platt (Cause)  
 Jervoice v. Jervoice (Cl)



Marriott v. Turner (M for dec.)  
 Dean v. Eastern Union Rail-  
 way Co. (Cl)  
 Same v. Same (Cl)  
 Darkin v. Darkin (Cause)  
 Greene v. Fryer (Cause)  
 Giles v. Sherall (Cl)  
 Taylor v. Smith } (Cause)  
 Same v. Clapham }  
 Clayton v. Reddin (Cl)  
 Friend v. Grove (Cause)  
 Bebb v. Bunny (M for decree)  
 Jones v. David (Cl)  
 Haggart v. Neathy (Sp. case)  
 Quilter v. Hignell (Sp. case)  
 Douglas v. Douglas (Sp. case)  
 Kennedy v. Kennedy } (Fur.  
 Same v. Williams } cons.)  
 Gilbert v. Gilbert (M for dec.)  
 Norris v. Blount (Cause)  
 Bell v. Cartwright (Cause)  
 West v. Ray (Special case)  
 Smith v. Adams (Cause)  
 Reeve v. Hodson (F D, C)  
 Stubbins v. Stubbins (Cl)  
 Smith v. Matthewson (Cl)  
 Weddall v. Gann (Cl) SA  
 Harley v. Harley (Cause) SA  
 Austin v. Austin (Furth. con.)  
 Lewis v. Morris (Cl)  
 Stone v. Towills (Cause)  
 Hodgson v. Browning (Cl)  
 Mildmay v. Ranken (Cause)  
 Lee v. Willis (M for decree)  
 Hull v. Hull (E)  
 Drayson v. Parton (Cause)  
 Lock v. Trivitt (Cause)  
 Wright v. Papworth (Cl) SA  
 Massey v. Bather (Furth. con.)  
 Same v. Walmsley (Cl)  
 Jones v. Thomas (Cause)

Burton v. Sturgis (Cl)  
 Smith v. Bright (Cl)  
 Golder v. Golder (F D, C)  
 Meeks v. Ward (M for decree)  
 Fairbank v. Margabroyd (Ca.)  
 Roberts v. Ball (Cause)  
 Gilbard v. Hains (Cl)  
 Byas v. Gates (Cause)  
 Lady Langdale v. Briggs (Ca.)  
 Foster v. Cautley (Cause)  
 Phillips v. Barker (Cl)  
 Haywood v. Sanders (M for  
 decree)  
 Rostron v. Turner (Sp. case)  
 Turner v. Isherwood (Cl)  
 Lewis v. Maule (Cl)  
 Jones v. Batten (Cause)  
 William v. Hoppood (Cl)  
 Powiss v. Blagrove (M for de-  
 cree)  
 Atchison v. Le Mann (Further  
 consideration)  
 Hindson v. Weatherill (Cause)  
 Tricker v. Tricker (Cause)  
 Arscott v. Smith (M for dec.)  
 Higginson v. Wilson (M for  
 decree)  
 Charleton v. Jenkinson (Cau.)  
 Mills v. Edge (Cause)  
 Smith v. Duke of Beaufort  
 (Cause)  
 Parly v. Grimstone (Cause)  
 SA  
 Fitzherbert v. Gandolfi (Cau.)  
 Morris v. Vinson (Cause)  
 Branch v. Hall (Further con.)  
 Clarke v. Kenrick (Cause)  
 Williams v. Prosser (Further  
 consideration)  
 Hill v. Pritchard (Special case)  
 Drysdale v. Mace (Cl).

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

16 &amp; 17 VICTORIA.—SESSION 1.

## CAP. i.

An Act to consolidate the Stock and Powers of the Corpora-  
 tion of "The London Assurance of Houses and Goods from  
 Fire," with the Stock and Powers of the Corporation of  
 "The London Assurance," and to confer on the last-named  
 Corporation the Powers of "The London Assurance Loan  
 Company," and to give additional Powers to "The London  
 Assurance."

## CAP. ii.

An Act for lighting with Gas the Town of Dudley, and the  
 Suburbs thereof.

## CAP. iii.

An Act to enable the Sunderland Corporation Gas Company  
 to raise a further Sum of Money, and to amend and enlarge  
 the Provisions of the Act relating to such Company.

## CAP. iv.

An Act to amend the Act relating to the Whittle Dean Water  
 Company, and to enable such Company to maintain addi-  
 tional Works, for better supplying with Water the Inha-  
 bitants of the Boroughs of Newcastle-upon-Tyne and Gates-  
 head, and certain Places adjacent and near thereto, in the  
 Counties of Northumberland and Durham.

## CAP. v.

An Act for better supplying the Inhabitants of Bangor with  
 Water.

## CAP. vi.

An Act to enable the Redruth and Chasewater Railway Com-  
 pany to construct new Works; and for other Purposes.

## CAP. vii.

An Act to authorise the Bristol Waterworks Company to raise  
 an additional Sum of Money by Loan; and for further  
 amending the Bristol Waterworks Act, 1846.

## CAP. viii.

An Act for incorporating the Ormskirk Gas-Light Company.

## CAP. ix.

An Act to enable the Mayor, Aldermen, and Burgesses of the  
 Borough of Carmarthen to provide and maintain a new Cattle  
 Market Place and Slaughter-houses; to amend the Act for  
 regulating the existing Markets in the said Borough; and  
 for other Purposes.

## CAP. x.

An Act for the more equal Division of the Borough of Cork  
 into Wards, and to provide for the better Constitution and  
 Regulation of the Municipal Corporation of the said Borough;  
 and for other Purposes.

## CAP. xi.

An Act for lighting with Gas the Town of Nottingham, and  
 certain Parishes and Places adjacent thereto.

## CAP. xii.

An Act for increasing the Capital and extending the Powers  
 of the Devonport Gas and Coke Company; and for other  
 Purposes.

## CAP. xiii.

An Act to repeal the Preston Gas Company's Act, passed in  
 the second Year of the Reign of Queen Victoria, and to  
 make other Provisions in lieu thereof.

## CAP. xiv.

An Act to amend the Norfolk Estuary Act, 1846, and the  
 Norfolk Estuary Amendment Act, 1849.

## CAP. xv.

An Act for constructing and maintaining a Pier at Great Yar-  
 mouth, in the County of Norfolk, to be called "The Great  
 Yarmouth Wellington Pier."

## CAP. xvi.

An Act for empowering the Mayor, Aldermen, and Bur-  
 gesses of the Borough of Evesham, in the County of Wor-  
 cester, to build and maintain a Bridge over the River Avon,  
 in the said Borough; and for other Purposes.

## CAP. xvii.

An Act for supplying the Inhabitants of the Town of Great  
 Yarmouth and adjacent Places with Water.

## CAP. xviii.

An Act for providing Waterworks and Gasworks for the Town  
 of Lowestoft, in the County of Suffolk, and for regulating  
 the Market there, and for other Purposes, of which the  
 Short Title is, "The Lowestoft Water, Gas, and Market  
 Act, 1853."

## CAP. xix.

An Act to amend the Acts relating to the Dublin and Belfast  
 Junction Railway Company; and for other Purposes.

## CAP. xx.

An Act to enable the Crystal Palace Company to divert cer-  
 tain Roads and to purchase Lands; and for other Purposes  
 relating to the Company.

## CAP. xxi.

An Act for amending the Provisions of certain Acts of Parlia-  
 ment relating to the Civil Court of Record of the Borough  
 of Liverpool, and the Process, Practice, and Mode of Plead-  
 ing in the said Court, and for extending the Jurisdiction  
 thereof.

## CAP. xxii.

An Act for enabling the Company of Proprietors of the Shef-  
 field Waterworks to extend their Works, and to obtain a  
 further Supply of Water from the Rivers Rivelin and Lox-  
 ley and their Tributaries, and for consolidating the Acts re-  
 lating to such Company.

## CAP. xxiii.

An Act for supplying the Inhabitants of the University and Borough of Cambridge and other Places adjoining thereto with Water.

## CAP. xxiv.

An Act for repealing an Act called "The Cardiff Waterworks Act, 1850," and granting other Powers in lieu thereof; and for authorising the Cardiff Waterworks Company to raise further Money.

## CAP. xxv.

An Act for better supplying with Water the Parishes of Brighton, Hove, and Preston, in the County of Sussex.

## CAP. xxvi.

An Act for amending the Provisions of existing Local Acts relating to the Borough of Stockport.

## CAP. xxvii.

An Act for discharging the Inhabitants of the Townships of Wakefield, Alverthorpe-with-Thornes, Horbury, Stanley-with-Wrenthorpe, Sandal Magna, and Crigglestone, in the Parishes of Wakefield and Sandal Magna, in the West Riding of the County of York, from the Custom of grinding Corn, Grain, and Malt at certain Corn-mills in the said Townships of Wakefield and Horbury and Parish of Sandal Magna, and for making Compensation to the Proprietors of the said Mills.

## CAP. xxviii.

An Act for the further Improvement of the Borough of Wolverhampton, and for regulating the Markets therein; and for other Purposes.

## CAP. xxix.

An Act for better lighting, watching, and otherwise improving the Town of Blackpool and the Rest of the Township of Layton-with-Warbrick, in the County Palatine of Lancaster, and for other Purposes, and of which the Short Title is, "The Blackpool Improvement Act, 1853."

## CAP. xxx.

An Act for the Improvement and Regulation of the Borough of Great Grimsby, in the County of Lincoln; for better supplying the Inhabitants thereof with Water; for providing a new Burial Ground; for enlarging the Market-place; for making an Outfall for the Sewers of the Town; and for other Purposes.

## CAP. xxxi.

An Act for supplying with Water several Townships and Places in the Parishes of Whalley, Bury, Radcliffe, Prestwich-cum-Oldham, and Bolton-le-Moors, in Lancashire; and for incorporating the Bury and Radcliffe Waterworks Company.

## CAP. xxxii.

An Act for the Extension of the Boundaries of the Municipal Borough of Salford, and otherwise improving the said Borough; and for other Purposes.

## CAP. xxxiii.

An Act to empower the Midland Railway Company to create new Shares or to grant Annuities for the Extinguishment of their Debenture Debt; and for other Purposes.

## CAP. xxxiv.

An Act to enable the Scottish Central Railway Company to convert their Mortgage and Bond Debt into Debenture Stock.

## CAP. xxxv.

An Act for making a Road or Street from the South End of Waverley Bridge-road, adjoining the General Railway Station at Princes-street, to the High-street, in the City of Edinburgh.

## CAP. xxxvi.

An Act for the Maintenance and Regulation of the Harbour of Teignmouth and the Navigation of the River Teign; and for other Purposes.

## CAP. xxxvii.

An Act for making a Canal from the Francis Dock, connected with the Duke of Bridgewater's Canal at Runcorn, in the County of Chester, to join the Weston Canal or River Weaver Navigation at or near Weston Point, in the same Parish, and to be called "The Runcorn and Weston Canal."

## CAP. xxxviii.

An Act to alter and amend the Provisions of the City of Norwich Waterworks Act, 1850, and to grant further Powers to the Company thereby incorporated.

## CAP. xxxix.

An Act for establishing a Corn Exchange and regulating the Markets in the Borough of Reading, and for other Purposes, and of which the Short Title is, "The Reading Corporation Markets Act, 1853."

## CAP. xl.

An Act to increase the Capital and extend the Powers of Price's Patent Candle Company, and to consolidate the Acts relating to the Company.

## CAP. xli.

An Act for making a Railway from Chichester to Bognor.

## CAP. xlii.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Oldham, in the County Palatine of Lancaster, to purchase and maintain Gasworks and Waterworks; and for other Purposes.

## CAP. xliii.

An Act for enabling the Shipley Gas-light Company to raise a further Sum of Money; and for extending the Limits of their existing Act to the adjoining Township of Baildon.

## CAP. xliiv.

An Act to extend the Limits of the Blackburn Gas-light Company's Act for the Supply of Gas, and to authorise the raising of a further Sum of Money; and for other Purposes.

## CAP. xlv.

An Act to consolidate the Acts relating to the Leeds Gas-light Company; to authorise the Company to raise a further Sum of Money; and for other Purposes.

## CAP. xlvi.

An Act for incorporating the Madras Railway Company, and for other Purposes connected therewith.

## CAP. xlvii.

An Act for making certain Improvements in the River Severn, and for amending the Acts relating thereto.

## CAP. xlviii.

An Act for better supplying with Water the Borough of Preston, in the County of Lancaster, and for authorising the Local Board of Health for the Borough of Preston aforesaid to purchase the Preston Waterworks.

## CAP. xlix.

An Act to enable the Edinburgh Water Company to raise a further Sum of Money; and for other Purposes.

## CAP. l.

An Act to enable the Dundee Water Company to construct additional Works for obtaining a further Supply of Water; and for other Purposes.

## CAP. li.

An Act to authorise the Wakefield Borough Market Company to raise a further Sum of Money.

## CAP. lii.

An Act to authorise the Creation of Preference Stock by the Manchester, Sheffield, and Lincolnshire Railway Company, in lieu of Debentures, and the Reduction, Division, and Consolidation into Stock of the Manchester and Lincoln Union Shares of the said Railway.

## CAP. llii.

An Act to repeal the Act for maintaining the Turnpike-road leading out of the Alston Turnpike-road at Branch End, in the County of Northumberland, through Catton, Allendale Town, and Allenheads, to Cows Hill, in the County of Durham, and to make other Provisions in lieu thereof.

## CAP. liv.

An Act for making a Railway from Lough Swilly, in the County of Donegal, to the River Foyle, near the City of Londonderry.

## CAP. lv.

An Act to renew the Term and continue the Powers of an Act passed in the seventh Year of the Reign of his Majesty King George the Fourth, intituled "An Act for more effectually repairing and improving the Roads leading from Picks Hill, near the Town of Langport Eastover, in the County of Somerset, through High Ham, Ashcott, and other Places, to Meare, in the said County."

## CAP. lvi.

An Act to enable the Mayor, Aldermen, and Citizens of the City of York to purchase the Undertaking of the Foss Navigation Company, and to execute Works for the sanitary Improvement of the said City; to alter the Tolls taken in the Cattle Markets and Fairs of the City; and for other Purposes.

## CAP. lvii.

An Act to extend and amend the Powers and Provisions of the Portadown and Dungannon Railway Act, 1847.

## CAP. lviii.

An Act to amend an Act passed in the fifth Year of the Reign of his Majesty King George the Fourth, for granting certain Powers and Authorities to the Australian Agricultural Company, and to alter the Capital of the said Company.

## CAP. lix.

An Act for better supplying with Water the Town or Village of Bacup, and the Neighbourhood thereof, in Lancashire.

## CAP. lx.

An Act to amend the Acts relating to the Great Northern Railway Company; to authorise an Increase of Capital; and for other Purposes.

## CAP. lxi.

An Act to consolidate and amend three several Acts passed in the Reign of King George the Third, for draining and preserving certain Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens commonly called Bedford Level, and in the County of Cambridge, between the River Cam, otherwise Grant, West, and the Hard Lands of Bottisham, Swaffham-Bulbeck, and Swaffham Prior, East; and for other Purposes therein mentioned.

## CAP. lxii.

An Act for more effectually repairing the Road from Gravesend to Wrotham, and from thence to Borough Green, all in the County of Kent.

## CAP. lxiii.

An Act for making a Railway from Dartford, in the County of Kent, to Farningham, in the same County, to be called "The Darenth Valley Railway;" and for other Purposes.

## CAP. lxiv.

An Act for constructing a Market for the Sale of Cattle and other Animals in the Borough of Ludlow, in the County of Salop.

## CAP. lxv.

An Act to amend the Acts relating to the Drainage and Embankment of certain Lands in Lough Swilly and Lough Foyle, in the Counties of Donegal and Londonderry.

## CAP. lxvi.

An Act for supplying with Water the Town of Weston-super-Mare, in the County of Somerset.

## CAP. lxvii.

An Act for supplying the Borough of Wigan, in the County Palatine of Lancaster, with Water; for the better Regulation of the Police therein; and for other Purposes.

## CAP. lxviii.

An Act to enable the Belfast and Ballymena Railway Company to make a Railway from Randalstown to Cookstown; and for other Purposes.

## CAP. lxix.

An Act for enabling the North and South Western Junction Railway Company to construct a Branch to near Hammer-smith, and to raise additional Capital; and for other Purposes.

## CAP. lxx.

An Act to authorise the Abandonment of a Portion of the Undertaking of the Thames Haven Dock and Railway Company, and to reduce the Capital of the said Company, and to enable the Company to sell Lands not required; and for other Purposes.

## CAP. lxxi.

An Act for more effectually repairing the Roads from Westminster and from Frome to the Bath Road, and other Roads connected therewith, in the Counties of Wilts and Somerset, called or known by the Name of "The Black Dog Road Trust."

## CAP. lxxii.

An Act for enlarging and improving the Shire Hall of the County of Stafford; removing the Markets at the Back of the Hall, and providing other Market Accommodation in lieu thereof; erecting Rooms and Offices for the Town Council of Stafford; and for other Purposes.

## CAP. lxxiii.

An Act to amend the Acts for the Regulation of Municipal Corporations in Ireland, so far as relates to the Borough of Limerick.

## CAP. lxxiv.

An Act to amend and extend the Provisions of the Act relating to the Leeds and Whitehall Turnpike-roads, and to create a further Term therein; and for other Purposes.

## CAP. lxxv.

An Act for repairing, maintaining, and rendering more safe certain Reservoirs on the Adel Beck, in the West Riding of the County of York.

## CAP. lxxvi.

An Act to amend the Sunderland Dock Act, 1846, and the Sunderland Dock Amendment Act, 1849; and for other Purposes.

## CAP. lxxvii.

An Act for the Establishment or Improvement and Regulation of Markets and Fairs in the Borough of Leominster; and for other Purposes relating to the said Borough.

## CAP. lxxviii.

An Act for making a Railway from the Hawick Branch of the North British Railway, near to the Eskbank Station, to the Royal Burgh of Peebles.

## CAP. lxxix.

An Act to authorise an Extension of the Londonderry and Coleraine Railway.

## CAP. lxxx.

An Act for making a Railway from Ballymena to Portrush.

## CAP. lxxxi.

An Act to confirm certain Preference Shares created by the North British Railway Company, and to make better Provision for the Payment of the Debts of the said Company; and for other Purposes.

## CAP. lxxxii.

An Act to enable the Scottish Midland Junction Railway Company to make Branch Railways to Blairgowrie and Kirriemuir, and to amend the Acts relating to such Company; and for other Purposes.

## CAP. lxxxiii.

An Act for the better Improvement and Regulation of the Borough of South Shields, in the County of Durham; the Establishment of a Cemetery therein; and for other Purposes.

## CAP. lxxxiv.

An Act to unite into one Company the Bristol Gas-light Company and the Bristol and Clifton Gas-light Company, and to enable the united Companies to raise further Capital.

## CAP. lxxxv.

An Act for making a Railway from Staines to Wokingham and Woking.

## CAP. lxxxvi.

An Act for making a Railway from Wimbledon to Croydon, in the County of Surrey, to be called "The Wimbledon and Croydon Railway;" and for other Purposes.

## CAP. lxxxvii.

An Act to enable the Eastern Counties Railway Company to construct a Railway from the Line of the Northern and Eastern Railway, near Stratford, to Woodford and Loughton; and to repeal certain Provisions of their existing Acts; and to grant further Powers to the said Company for capitalising their Debt; and for other Purposes.

## CAP. lxxxviii.

An Act for making a Railway from the London, Brighton, and South-coast Railway to or near to the Town of East Grinstead, in the County of Sussex.

## CAP. lxxxix.

An Act for better supplying with Water the Towns and Villages of Haslingden, Rawtenstall, and Newchurch, and the Townships of Haslingden, Higher Booths, Lower Booths, Newchurch, and Hapton, in the Parish of Whalley, the Townships of Cowpe Lench, New Hall Hey, and Hall Carr, and Tottington Higher End, in the Parish of Bury, and the Extra-parochial Places of Hen Heads and Dunnockshaw, all in the County Palatine of Lancaster.

## CAP. xc.

An Act to enable the Monkland Railways Company to make certain Railways in the Vicinity of Bathgate and Airdrie; and for other Purposes.

## CAP. xci.

An Act to authorise the Mayor, Aldermen, and Citizens of the City of Manchester to make certain new Streets; and to amend the Acts relating to the said City; and for other Purposes.

## CAP. xcii.

An Act to repeal an Act of the seventh Year of the Reign of King George the Fourth, for making and maintaining a Turnpike-road from Wimpole to Wrestlingworth and Potten, and to make other Provisions in lieu thereof.

## CAP. xciii.

An Act to incorporate a Company for making a Railway from Kingston-upon-Hull to or near to Withernsea, in Holderness, with a Branch therefrom; and for other Purposes.

## CAP. xciv.

An Act to enable the Glasgow and South-western Railway Company to make a Branch Railway to near Mayfield, in the County of Ayr.

## CAP. xc.

An Act for extending the Time granted by the Rochester Bridge Act, 1846, for the Completion of such Bridge.

## CAP. xcvi.

An Act to enable the Limerick, Ennis, and Killaloe Junction Railway Company to lease their Undertaking; and for other Purposes.

## CAP. xcvii.

An Act to enable the East and West India Docks and Birmingham Junction Railway Company to raise additional Capital; and for other Purposes.

## CAP. xcvi.

An Act to amend the Gorbals Gravitation Water Company's Acts; to authorise the Extension of their Works to supply the Royal Burgh of Renfrew and Suburbs and other Places with Water; and for other Purposes.

## CAP. xcix.

An Act for making a Railway from Havant, in the County of Southampton, to Godalming, in the County of Surrey, to be called "The Portsmouth Railway;" and for other Purposes.

## CAP. c.

An Act to enable the London, Brighton, and South-coast Railway Company to enlarge their Station at London-bridge, and their Goods Station at Brighton, and to make a Branch Railway to the Crystal Palace; and for converting the Debenture Debt of the London, Brighton, and South-coast Railway Company into Stock or Shares; and for other Purposes.

## CAP. ci.

An Act to enable the Aberdeen Railway Company to raise further Monies; to authorise the Abandonment of the authorised Road to the Quays through the Station at Aberdeen, and the Formation of another Road in lieu thereof; to extend the Time for the compulsory Purchase of Lands and for the Completion of the Aberdeen Station; to alter, amend, and extend the Acts relating to the Company; and for other Purposes.

## CAP. cii.

An Act to repeal an Act for making and maintaining a Road from the Top of Hunt's Bank, in the Town of Manchester, in the County of Lancaster, to join the Manchester and Bury Turnpike-road, in Pilkington, in the same County, and substitute other Provisions in lieu thereof.

## CAP. ciii.

An Act for amending the Provisions with respect to the Commissioners of the Second District for Drainage by the River Witham, contained in the Witham Drainage Act of the second Year of George the Third, c. xxxii, and for other Purposes, and of which the Short Title is, "The Witham Drainage Second District Act, 1853."

(To be continued).

### London Gazettes.

FRIDAY, OCTOBER 28.

#### BANKRUPTS.

GEORGE LANGFORD, Portsea, Southampton, brewer, maltster, dealer and chapman, Nov. 8 and Dec. 12 at 12, Court of Bankruptcy, London: Off. Ass. Stanfeld; Sols. Pafford, Portsea; Ivimey, 30, Southampton-buildings, Holborn.—Petition filed Oct. 26.

FREDERICK FREEMAN COBB, Dover, Kent, grocer, dealer and chapman, Nov. 9 at 12, and Dec. 12 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Barron, 15, Old Jewry-chambers, London.—Petition filed Oct. 27.

CHARLES WRIGHTSON, High-st., Marylebone, Middlesex, grocer and tea dealer, Oct. 7 at 11, and Dec. 17 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Goodwin, Essex-court, Temple.—Petition dated Oct. 21.

ARTHUR RYDER HOMERSHAM, Russell-street, Bermondsey, Surrey, woolstapler, dealer and chapman, Nov. 11 at half-past 11, and Dec. 17 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. M'Gregor, 10, Sise-lane, London.—Petition dated Oct. 19.

WILLIAM MUNDY, Palace-row, New-road, St. Pancras, Middlesex, cowkeeper, dairyman, cab proprietor, dealer and chapman, Nov. 7 at 12, and Dec. 17 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Messrs. Field, Finchley.—Petition dated Oct. 27.

CHARLES GARDNER CRESSWELL, Kidderminster, Worcestershire, chemist and druggist, Nov. 15 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Boycot & Tudor, Kidderminster.—Petition dated Oct. 26.

**JOSEPH CORBETT**, Birmingham, coal merchant, dealer and chapman, Nov. 7 and 26 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Knight, Birmingham; Benson, Birmingham.—Petition dated Oct. 17.

**JAMES GEORGE RETCHFORD**, late of Nottingham, but now of Stone, Staffordshire, shoe dealer, dealer and chapman, Nov. 15 and 30 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham; Ashurst & Son, 6, Old Jewry, London.—Petition dated Oct. 17.

**WILLIAM BROOK**, of Manchester, late of London, staff merchant and warehouseman, (trading under the style or firm of William Brook & Co.), Nov. 9 and 30 (and not 13, as before advertised) at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Oct. 19.

**WILLIAM HILL**, Manchester, canvas dealer and oil cloth and tarpaulin manufacturer, Nov. 14 and Dec. 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Roberts, Fountain-street.—Petition filed Oct. 24.

#### MEETINGS.

*George Booth*, Bishopwearmouth, Sunderland, Durham, shipowner, Nov. 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John Mellor*, Manchester, innkeeper, Nov. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas M. Bowden*, Old Brentford, Middlesex, basket maker, Nov. 10 at half-past 11, Court of Bankruptcy, London, and. ac.—*George Hennes*, Duke-street, Westminster, Middlesex; Bristol and Bridgewater, Somersetshire; and Plymouth and Teignmouth, Devonshire, railway contractor, Nov. 10 at 11, Court of Bankruptcy, London, and. ac.—*Ephraim L. Green*, Bevis Marks, London, clothier, Nov. 7 at 2, Court of Bankruptcy, London, and. ac.—*George Dester*, Egham, Surrey, corn dealer, Nov. 10 at 11, Court of Bankruptcy, London, and. ac.—*Joseph Bates*, Stevenage, Hertfordshire, builder, Nov. 15 at 11, Court of Bankruptcy, London, and. ac.—*Henry Thompson*, Manchester, and Nafferton, near Driffield, Yorkshire, corn merchant, Nov. 8 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Thomas Staley*, Stockport, Cheshire, grocer, Nov. 8 at 12, District Court of Bankruptcy, Manchester, and. ac.—*James Kenworthy*, *John Kenworthy*, *Wm. Kenworthy*, and *Edward Kenworthy*, Quick, Saddleworth, Yorkshire, woollen manufacturers, Nov. 9 at 12, District Court of Bankruptcy, Manchester, and. ac.—*John Malley*, Lancaster, silversmith, Nov. 8 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Arthur Peters*, Manchester, spirit merchant, Nov. 8 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Edward Smith*, South Shields, Durham, linendraper, Nov. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Nov. 8 at 11, div.—*Samuel C. Harrison*, Sunderland-by-the-Sea, Durham, linendraper, Nov. 18 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*John Passman*, Stockton-upon-Tees, Durham, carrier, Nov. 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*David Gibson*, Newcastle-upon-Tyne, grocer, Nov. 18 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Christian B. Reid*, Newcastle-upon-Tyne, common brewer, Nov. 18 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Charles W. Wass*, New Bond-street, Middlesex, engraver, Nov. 22 at 11, Court of Bankruptcy, London, div.—*Henry Simmons*, Leicester, innkeeper, Nov. 18 at 10, District Court of Bankruptcy, Nottingham, and. ac. and div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Chown*, St. Swithin's-lane, London, and Croydon, Surrey, wine merchant, Nov. 21 at 12, Court of Bankruptcy, London.—*Wm. Hitchman*, Glastonbury, Somersetshire, surgeon, Nov. 22 at 12, District Court of Bankruptcy, Bristol.—*Jonathan W. Fairclough*, Liverpool, comb manufacturer, Nov. 21 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Wm. Marshall*, South Shields, Durham, shipowner.—*Robt. Rutherford*, St. John's, Newfoundland, merchant.

#### PETITION ANNULLED.

*Wm. Tugwood*, Thame, Oxfordshire, linendraper.

#### PARTNERSHIP DISSOLVED.

*Lawrence Walker*, *Arthur Walker*, *Frank Atkinson Arley*, and *Frederick Allen Grant*, King's-road, Gray's-inn, Middlesex, attorneys and solicitors, (under the style or firm of Walker, Grant, & Co.), so far as regards *F. A. Arley*.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John M'Guffin*, Liverpool, engineer, Nov. 7 at 10, County Court of Lancashire, at Liverpool.—*Isabella Wallace*, Liverpool, out of business, Nov. 7 at 10, County Court of Lancashire, at Liverpool.—*Martha Bingham*, Liverpool, licensed victualler, Nov. 7 at 10, County Court of Lancashire, at Liverpool.—*Jas. Butcher*, Woodbridge, Suffolk, blacksmith, Nov. 11 at 10, County Court of Suffolk, at Ipswich.—*J. Thompson* the elder, Chatham, Kent, baker, Nov. 10 at 10, County Court of Kent, at Rochester.—*Geo. Pickard*, Rugby, Warwickshire, butcher, Nov. 17 at 10, County Court of Warwickshire, at Rugby.—*Emanuel Kelsey*, Cowpen Quay, near Blyth, Hotten, Northumberland, joiner, Nov. 18 at 11, County Court of Northumberland, at North Shields.—*John Kenney*, Great Massingham, Norfolk, shoemaker, Nov. 9 at 3, County Court of Norfolk, at King's Lynn.—*Alfred Plummer*, Hilgay, Norfolk, publican, Nov. 11 at 9, County Court of Norfolk, at Downham Market.—*Thos. F. Mason*, Macclesfield, Cheshire, silk dyer, Nov. 10 at 11, County Court of Cheshire, at Macclesfield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 16 at 10, before the CHIEF COMMISSIONER.*

*Henry Woosley*, Eccleston-place, Pimlico, Middlesex, saddle.—*Jas. Side*, Charlotte-street, Buckingham-gate, Pimlico, Middlesex, builder.—*Benjamin Williams*, Symons-st., Chelsea, Middlesex, dealer in coals.—*Edward T. Jesshop*, John-street, East India-road, Poplar, Middlesex, out of business.—*Wm. Gerrard Evans*, Union-place, King-street, West India Docks, and Spread Eagle-street, Limehouse, Middlesex, copper-smith.—*Jagger Ansell*, Woolwich, Kent, leather seller.—*J. Higg*, Chilton-street, Rotherhithe, Surrey, in no occupation.

*Dec. 7 at 11, before Mr. Commissioner MURPHY.*

*John Parfett* the elder, Victoria-place, Lower-road, Islington, Middlesex, fancy box maker.—*Daniel Scruton*, Upper North-place, Gray's-inn-road, Middlesex, carpenter.—*Edw. Hudson* the elder, Bell-lale, Stroud's-vale, Maiden-lane, Battle-bridge, King's-cross, Islington, Middlesex, manure dealer.—*R. M. Seyer*, St. Stephen's-place, Shepherd's-bush, Middlesex, in no business.—*G. T. Hann*, Cranmer-place, Waterloo-road, Surrey, clerk in the General Register and Record Office for Seamen, Lower Thames-street, London.—*Hamel Norton*, Park-cottages, New-road, Hammersmith, Middlesex, out of business.—*Rowland Cooper*, Messing, near Kelvedon, Essex, out of business.—*A. A. White*, James-cottages, New-road, Hammersmith, Middlesex, clerk in the Custom-house.—*David Moss Lyons*, Great Elm-street, Goodman's-fields, Middlesex, out of business.

*Dec. 9 at 11, before Mr. Commissioner MURPHY.*

*J. Booth* the younger, Market-street, Shepherd's-market, May-fair, Middlesex, grocer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 14 at 10, before the CHIEF COMMISSIONER.*

*Thomas B. Wilkinson*, Richmond-road, Westbourne-grove, Bayswater, Middlesex, out of employ.—*John Barley*, Regent-street, Westminster, Middlesex, labourer.

*Nov. 14 at 11, before Mr. Commissioner MURPHY.*

*James Joseph Iron Syer*, Sylvan-grove, Old Kent-road, Surrey, out of business.—*W. S. Hollands*, Wellington-street, London-bridge, Surrey, architect.—*W. K. Haslewood*, Hill-road, St. John's-wood, Middlesex, captain in the Bengal Invalid Establishment, on full pay.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at DOVER, Nov. 16 at 11.*

*J. Smith, St. Leonards-on-the-Sea, Sussex, cabinet maker.*

*At the County Court of Herefordshire, at HEREFORD, Nov. 17 at 10.*

*John Morgan, Hereford, builder.*

*At the County Court of Monmouthshire, at MONMOUTH, Nov. 18 at 2.*

*Aeron Lopham, Llanvrechva Lower, licensed victualler.*

## TUESDAY, NOVEMBER 1. BANKRUPTS.

GEORGE WINTER and JAMES WINTER, Hastings, Sussex, builders, dealers and chapmen, (trading under the style or firm of George Winter & Son), Nov. 11 at 11, and Dec. 15 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Marten & Co., Commercial-chambers, Mincing-lane.—Petition filed Oct. 24.

MICAH MELLOR, Clare, Suffolk, innkeeper, dealer and chapman, Nov. 11 at 12, and Nov. 15 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Reed & Co., Friday-street, Cheapside.—Petition filed Oct. 28.

ROBERT JEFFERY, Upper North-place, Gray's-inn-road, Middlesex, coachmaker, dealer and chapman, Nov. 11 at half-past 12, and Dec. 13 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Donaldson, Southampton-street, Bloomsbury-square.—Petition filed Oct. 31.

LIONEL GOLDSMITH, Queen-street, Cheapside, London, merchant, (surviving partner of Samuel Goldsmith, deceased, of the same place, and formerly trading with Samuel Goldsmith, under the firm of Goldsmith, Brothers), Nov. 11 at half-past 1, and Dec. 16 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Reed & Co., 59, Friday-street, London.—Petition dated Oct. 29.

CHARLES SMITH, late of South Audley-street, victualler, but now of Victoria-road, Kentish-town, Middlesex, Nov. 12 and Dec. 16 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Ware, Blackman-street.—Petition dated Oct. 28.

JAMES ALCOCK and RICHARD BELL, Longton, Staffordshire, auctioneers, cabinet makers, dealers and chapmen, Nov. 16 and Dec. 14 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham; Taylor, 15, South-street, Finsbury-square, London.—Petition dated Oct. 11.

GREGORY BARRETT the elder and GREGORY BARRETT the younger, Kidderminster, Worcestershire, and Bath-street, Newgate-street, London, carpet manufacturers, (trading under the style or firm of Gregory Barrett & Co.), Nov. 15 and Dec. 13 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Talbot, and Saunders & Son, Kidderminster; Motteram & Knight, Birmingham.—Petition dated Oct. 21.

HENRY BOLT, Birmingham, silversmith, Nov. 14 and Dec. 5 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Partridge, Birmingham.—Petition dated Oct. 27.

JOHN BYWATER, Nottingham, tailor, Nov. 11 and Dec. 9 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Shilton & Son, Nottingham.—Petition dated Oct. 21.

JOHN ROBERTS, Tivdale Wire-works, near Dudley, Worcestershire, wire drawer, dealer and chapman, (trading under the firm of John Roberts & Co.), Nov. 14 and Dec. 5 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Bolton, Wolverhampton; Hodgson, Birmingham.—Petition dated Oct. 17.

WILLIAM RIDGE, Exeter, tailor and woollen draper, Nov. 9 at 11, and Dec. 8 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Turner, Exeter.—Petition dated Oct. 29.

JAMES ANDREW HOWARD and JONATHAN HOWARD, Hollinwood, Lancashire, joiners and builders, (carrying on business there under the style or firm of J. A. & J. Howard), Nov. 14 and Dec. 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Cobbett & Wheeler, Manchester.—Petition filed Oct. 29.

THOMAS AVISON, Leeds, Yorkshire, stone merchant, dealer and chapman, Nov. 11 and Dec. 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Clarke, Leeds.—Petition dated and filed Oct. 21.

WILLIAM TWEDDLE, Liverpool, soap boiler, dealer and chapman, Nov. 16 and Dec. 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Pemberton, Liverpool.—Petition filed Oct. 21.

JOHN HAMMOND BELL, Deansgate, Manchester, hosier, dealer and chapman, Nov. 14 and Dec. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Oct. 24.

## MEETINGS.

*John Robson, Durham, miller, Nov. 30 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—Michael Cawfield, Basinghall-st., London, woollen warehouseman, Nov. 16 at 12, Court of Bankruptcy, London, and ac.—W. Quinson, Leather-lane, Holborn, Middlesex, butcher, Nov. 17 at 1, Court of Bankruptcy, London, and ac.—Joseph Dickson, Horsemonger-lane, St. Mary, Newington, Surrey, licensed victualler, and Bassihaw-chambers, Basinghall-st., London, auctioneer, Nov. 21 at 12, Court of Bankruptcy, London, and ac.—Chas. Hall, Orchard-st., Portman-square, Middlesex, builder, Nov. 17 at 1, Court of Bankruptcy, London, and ac.—William Pegler, James-place, Gloucester-terrace, Paddington, Middlesex, job master, Nov. 17 at 11, Court of Bankruptcy, London, and ac.—John Evans, Hampton Court, Middlesex, hotel keeper, Nov. 22 at 12, Court of Bankruptcy, London, and ac.—Henry Chown, St. Swithin's-lane, London, and Croydon, Surrey, wine merchant, Nov. 21 at 12, Court of Bankruptcy, London, and ac.—Chas. Jas. Plant, Goswell-st., St. Luke's, Middlesex, licensed victualler, Nov. 21 at 1, Court of Bankruptcy, London, and ac.—Henry Mountain, Piccadilly, Westminster, and Gunter's-grove, Brompton, Middlesex, draper, Nov. 22 at 1, Court of Bankruptcy, London, and ac.—John Chell, Manchester, oil and colour man, Nov. 15 at 12, District Court of Bankruptcy, Manchester, and ac.—Wm. Marshall, South Shields, Durham, shipowner, Nov. 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Nov. 30 at 11, div.—Richard Bulmer and Jos. Bulmer, South Shields, Durham, ship builders, Nov. 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Nov. 29 at 11, fin. div.—Jas. Gray, Wolverhampton, Staffordshire, carrier, Nov. 23 at 11, District Court of Bankruptcy, Birmingham, and ac.; Nov. 30 at 11, div.—Charles Foster Cotterill and Wm. H. Hill, Walsall, Staffordshire, merchants, Nov. 15 at 11, District Court of Bankruptcy, Birmingham, and ac.; Nov. 30 at 11, fin. div.—Charles White Cross, Birmingham, surgeon, Nov. 15 at 11, District Court of Bankruptcy, Birmingham, and ac.—Wm. Haden Richardson, Benjamin Richardson, and Jonathan Richardson, Wordesley, Staffordshire, and Lamb's Conduit-st., Middlesex, glass manufacturers, Nov. 16 at 11, District Court of Bankruptcy, Birmingham, and ac. sep. est. of Wm. Haden Richardson.—Wm. Brown, Brunswick-st., Stamford-st., Christchurch, Surrey, engineer, Nov. 22 at 12, Court of Bankruptcy, London, div.—Thos. Russell and John Musgrove, Norwich, sack manufacturers, Nov. 22 at half-past 11, Court of Bankruptcy, London, div.—J. Scott, Titchbourne-street, Haymarket, Middlesex, hosier, Nov. 22 at 1, Court of Bankruptcy, London, div.—Abraham H. Chambers the elder and Abraham H. Chambers the younger, New Bond-st. and South Molton-st., Middlesex, bankers, Nov. 29 at 11, Court of Bankruptcy, London, fin. div.—W. Edmunds, Tottenham, and Wenlock-road, City-road, Middlesex, tailor, Nov. 24 at 12, Court of Bankruptcy, London, fin. div.—John Parker, Oxford, brewer, Nov. 29 at 12, Court of Bankruptcy, London, fin. div.—Peter David Levi Hildesheimer, Woolwich, Kent, grocer, Nov. 18 at 12, Court of Bankruptcy, London, div.—Wm. Mole, Birmingham, victualler, Nov. 30 at 11, District Court of Bankruptcy, Birmingham, div.—Wm. Rainford, Liverpool, upholsterer, Nov. 23 at 11, District Court of Bankruptcy, Liverpool, div.*

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Hutchison, Richea-court, Lime-st., London, shipbroker, Nov. 22 at 12, Court of Bankruptcy, London.—Lewis Cooke Hertslet, Union-court, Broad-st., London, merchant, Nov. 23 at half-past 2, Court of Bankruptcy, London.—E.*

*Henry Parkes*, Upper Ebury-st., Pimlico, Middlesex, corn chandler, Nov. 23 at 2, Court of Bankruptcy, London.—*Jas. Black and Rupert Cope*, Earl-st., Blackfriars, London, iron merchants, Nov. 23 at 12, Court of Bankruptcy, London.—*Robert Nelson, Mary Nelson, and Robt. Nelson* the younger, Darlington, Durham, provision merchants, Nov. 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jos. Fowler*, Chestergate, Macclesfield, Cheshire, provision dealer, Nov. 25 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

*George B. Costerton*, Great Yarmouth, Norfolk, merchant.—*John Fiddaman*, Newark-upon-Trent, Nottinghamshire, carrier.—*Thomas Stevenson*, Nottingham, printer.—*Richard Pimm*, Stratford-upon-Avon, Warwickshire, corn dealer.

#### PARTNERSHIPS DISSOLVED.

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#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Daniel Williams*, Liverpool, foreman to a tailor, Nov. 7 at 10, County Court of Lancashire, at Liverpool.—*Henry James Flowers*, Portsea, Southampton, lodging-house keeper, Nov. 17 at 11, County Court of Hampshire, at Portsmouth.—*Wm. J. Russell*, Birkenhead, Bidstone, Cheshire, commercial clerk, Nov. 11 at 10, County Court of Cheshire, at Birkenhead.—*W. Martin*, Cloughton-cum-Grange, Bidstone, Cheshire, dealer in lime, Nov. 11 at 10, County Court of Cheshire, at Birkenhead.—*Henry Watson*, Kingston-upon-Hull, potato dealer, Nov. 18 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Jones*, Llangefni, Anglesey, attorney, Nov. 16 at 10, County Court of Anglesey, at Llangefni.—*J. Lewis*, Geerwen, Llanfihangel-egwefnog, Anglesey, draper, Nov. 16 at 10, County Court of Anglesey, at Llangefni.—*John Delph*, Soham, Cambridgeshire, gardener, Nov. 12, County Court of Cambridgeshire, at Soham.—*Thomas Odams*, Newport Pagnell, Buckinghamshire, in no business, Nov. 17 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*J. Davis*, Ledbury, Herefordshire, milkman, Nov. 19 at 9, County Court of Herefordshire, at Ledbury.—*Edmund Pitt*, Mathon, Worcester-shire, sawyer, Nov. 19 at 9, County Court of Herefordshire, at Ledbury.—*Wm. H. Aveling*, Dorchester, Oxfordshire, lodging-house keeper, Nov. 16 at 12, County Court of Berkshire, at Wallingford.—*Edward Booth Green*, Frome Selwood, Somersetshire, cabinet maker, Nov. 9 at 11, County Court of Somersetshire, at Frome.—*James William Tutton*, Clewer Village, near Windsor, Berkshire, out of business, Nov. 10 at 10, County Court of Berkshire, at Windsor.—*W. Saunders*, Tetbury, Gloucestershire, carrier, Nov. 25 at 11, County Court of Wiltshire, at Malmesbury.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

Nov. 18 at 10, before the CHIEF COMMISSIONER.

*John Henry Munns*, Stamford-bridge, Fulham-road, West Brompton, Middlesex, paperhanger.—*Thomas Turk* the elder, Ship-alley, Wellclose-square, St. George's-in-the-East, Middlesex, manager of a boarding-house.—*E. W. Hardy*, Charles-street, Norlan's-square, Notting-hill, Middlesex, attorney's clerk.—*N. Hall*, Park-row, Park-place, Peckham, Surrey, ladies' card-case maker.—*H. W. P. Mallett*, Bunhill-row, Middlesex, out of business.—*Elias Walter*, Leyton, Essex, excavator.

Nov. 28 at 11, before Mr. Commissioner PHILLIPS.

*Joseph Rickett* the elder, Rickmansworth, Watford, Hertfordshire, dealer in hay.—*Edward Hubert*, John-st., Adelphi,

Middlesex, lighterman.—*Wm. May*, Great Cheyne-row, Chelsea, Middlesex, out of business.—*W. Hewett*, Barrett-street, Vauxhall, Surrey, carman.—*G. A. Sharples*, Curlew Steam-boat, Eastern-wharf, Adelphi, Middlesex, captain of a steam-boat.—*George Thos. Penn*, Chapel-street, Stockwell, Surrey, smith.—*Wm. Mason*, Deptford, Kent, marine store dealer.—*George Stubbs*, Barking, Essex, master of a fishing smack.—*Wm. Alex. Miller*, Wansford-place, St. Pancras-road, Middlesex, baker.—*James Minton*, King's-cottage, Hornsey-road, Middlesex, dairyman.

Saturday, Oct. 29.

*An Assignee has been appointed in the following Case. Further particulars may be learned at the Office in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Richard Place*, March, Cambridgeshire, out of business, No. 76,619 C.; W. H. Taylor, assignee.

Saturday, Oct. 29.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

(On their own Petitions).

*Francis Gorham*, Bedford-place, Kensington, Middlesex, registrar of births and deaths: in the Debtors Prison for London and Middlesex.—*George Rudd*, Clarence-place, Park-rd., Regent's-park, Middlesex, assistant to a poultryer: in the Debtors Prison for London and Middlesex.—*Henry Richer*, University-street, Tottenham-court-road, Middlesex, classical tutor: in the Debtors Prison for London and Middlesex.—*J. Jefferis*, Cannon-street, London, pickle manufacturer: in the Debtors Prison for London and Middlesex.—*Frederick Hill*, Bankside, Southwark, Surrey, wharfinger: in the Queen's Prison.—*Robert Barrett*, Pembroke-square, Kensington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Henry Mortimore*, Marsham-street, Westminster, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*Henry Jones*, Dorset-street, Manchester-square, Middlesex, glass cutter: in the Debtors Prison for London and Middlesex.—*Fred. W. St. John Dumas*, Tarring-street, Commercial-road East, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*James Fry*, Compton-street, Clerkenwell, Middlesex, wholesale confectioner: in the Debtors Prison for London and Middlesex.—*Thos. Rolph*, Shepherd's-court, Upper Brook-st., Grosvenor-square, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*John Hugh Gray*, London-street, Paddington, Middlesex, bedding manufacturer: in the Debtors Prison for London and Middlesex.—*Hugh C. Coleman*, Lincoln's-inn-fields, Middlesex, law student: in the Queen's Prison.—*Fred. Mittonsettle*, Bilston, Staffordshire, clothier: in the Gaol of Stafford.—*Edmund Smith* the elder, Martin's Bank, near Talk-o'-th'-Hill, Staffordshire, out of business: in the Gaol of Stafford.—*John Marsh*, Bolsover, Derbyshire, out of business: in the Gaol of Derby.—*William Tyer*, Southampton, shoemaker: in the Gaol of Winchester.—*Thos. Hobson*, Manchester, out of business: in the Gaol of Lancaster.—*Ellis Crompton*, Manchester, out of business: in the Gaol of Lancaster.—*John Sinden*, Hastings, Sussex, butcher: in the Gaol of Dover.—*Roger Gartside*, Cock Brook, near Ashton-under-Lyne, Lancashire, blacking manufacturer: in the Gaol of Lancaster.—*J. G. Gunton*, Cambridge, butcher: in the Gaol of Cambridge.—*John Yeo*, Witney, Southampton, shoemaker: in the Gaol of Winchester.—*Philip Brake*, Great James-street, Lisson-grove, Marylebone, Middlesex, provision dealer: in the Gaol of Winchester.—*Richard Sykes*, Mirfield, near Dewsbury, Yorkshire, butcher: in the Gaol of York.—*Wm. Henry Chidwick*, Dover, Kent, grocer: in the Gaol of Dover.—*Mary A. Graham*, Bradford, Yorkshire, stock dealer: in the Gaol of York.—*James Kemp*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Jonathan Woolley*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Thomas Seavie*, Torpoint, Cornwall, shipwright: in the Gaol of St. Thomas-the-Apostle, Devonshire.—*James Stanton*, Westhill, St. Mary Church, Devonshire, builder: in the Gaol of St. Thomas-the-Apostle.—*Robt. Jeffreys*, Bedford, Bedfordshire, agricultural day labourer: in the Gaol of Bedford.—*J. Webb*, Luton, Bedfordshire, straw bonnet manufacturer: in the Gaol of Bedford.—*Jas. Hart*, Chichester, Sussex, out of business: in the Gaol of Petworth.—*Chas. Sharpe*, Westbourne, Sussex, servant: in the Gaol of Petworth.—*Geo. Cook*, East Barnet, Hertfordshire, labourer: in the Gaol of Hertford.



The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Nov. 17 at 11, before Mr. Commissioner PHILLIPS.

Frederick T. Burdus, High-street, Kensington, Middlesex, out of employ.—Catherine H. Lucas, widow, Gloucester-place, Portman-square, Middlesex, in no profession.—Philip Rogers, Winter's-mews, Tabernacle-walk, Finsbury, Middlesex, cheesemonger.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Hampshire, at CASTLE-SQUARE, Nov. 15 at 10.

Christopher Storry, Southampton, steward to a steam-packet.

At the County Court of Devonshire, at EXETER, Nov. 15 at 10.

James Restorick, Sidmouth, out of business.

At the County Court of Kent, at DOVER, Nov. 16 at 11.  
W. H. Chidwick, Dover, grocer.—John Sinden, Hastings, butcher.

At the County Court of Staffordshire, at STAFFORD, Nov. 16 at 11.

Edmund Smith the elder, Audley, colliery agent.—Fred. Mittonette, Bilston, clothier.

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## ADVERTISEMENTS.

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LONDON, NOVEMBER 12, 1853.

DURING the last week one of the law publishers engaged in the publication of the authorised reports of proceedings in the Courts of Equity, has announced his intention to issue the reports intrusted to him for publication, at half the usual price; and it is believed that two other sets of the equity reports will be immediately published on the same footing. We take this commencement of change in the system of publishing reports, as an occasion to give the Profession a little information on the machinery of reporting and publishing reports, in order that they may judge whether the present system can be made to work thoroughly well, or whether any and what alteration in kind should be made; the alteration at present about to be attempted, being one of degree, and not of kind.

Reporting, as at present conducted, is a matter of literary and publishing speculation; as such, one of its fundamental principles is *quantity*. There must, as a matter of fact, be a certain *quantity* published in each year, otherwise neither author nor publisher can "make enough," to use a common and well-understood term, to compensate the one for the consumption of his time, the other for the employment of his capital.

It is idle to talk, as some very high-minded barristers, not having much considered the subject, will

talk, about its being the duty of reporters carefully to contract the bulk of their productions; and about its being a very shameful thing for publishers to issue such thick books as they do. Let any one look through the series of reports for the last twenty-five years, and he will find as a fact, that a certain average quantity has always been collected and published in every year by every reporter, including among the number men who have since graced the judgment seat; and let him also reflect a little upon the theory of this production; and he will see, that if half of each year's production had been eliminated, a book of half the size could only have borne half the price, and that in such a result neither author nor publisher could have found that amount of return which would have been esteemed by him adequate. Now, let us not be misunderstood: we are far from imputing to reporters, either regular or irregular, a wilful extension or dilation of matter, for the mere purpose of thickening a volume; but what we mean is, that a certain return must be obtained to make it worth while for either author or publisher to labour. To obtain that return, a certain price, having regard to the circulation, must be obtained; and, to justify that price, quantity in some form must exist. There must either be long cases or a great many cases; but quantity somehow is indispensable, speaking of reporting as a literary speculation.

It is inevitable; it may be found fault with; it may be stigmatised as careless—as shameful; it may be designated by any other opprobrious epithets, but inevitable it is\*. This, then, is the fundamental vice of the

\* The fault in this matter lies much more with the public—that is, the Profession—than with either the author or the publisher. Lawyers, like other imperfect mortals, will not believe in labour, unless they see the proof of it in gross products. If a volume of reports were published of half the usual size, but at the usual price—if it were accompanied by an affidavit by the author that it had cost him more time to condense

existing system of reporting, which the present movement in the direction of cheapness, however beneficial in other respects, will not remove. The Profession will have their reports cheaper, but certainly not *less* lengthy. *More* lengthy, it has been observed sarcastically, they cannot well be; at any rate, they are not very likely to be so, for the very same commercial reasons that they are not likely to diminish, viz. that a very large book is as unprofitable as a very small one. Of the fact there is no doubt, though the exact reasons for it may be not easily fathomed.

But besides the inevitable vice of *quantity*, so long as the publication of the authorised reports is a matter of private speculation, there is another fault to which they are prone, viz. the publication of cases of insufficient importance. This results, not from any disposition to swell the bulk of a volume, but from the necessity of competing with other publications, such as this Journal, the Law Journal, and even the Law Times. Now, while there are thus in each court at least three reporters besides the authorised reporter of the court, it follows that there will be three opinions besides his, as to what ought and what ought not to be reported; and as the Bar, and even the Bench, always like a case, if they can get one, to save themselves the trouble of giving an opinion founded on principle, it follows, that if the authorised reporter chooses to be very fastidious, and to exclude cases because he thinks them of insufficient importance, he finds the utility of his productions questioned, and their popularity diminished.

Hence he *must* report a great many cases, which, if free to exercise his own judgment, he might reject as too trivial. How this defect is to be remedied we are not at present called upon to suggest; it is an inevitable concomitant of free trade in reporting, and must subsist so long as the reporter of the court is almost as much dependent on public favour, as every other reporter.

Let it be well understood that we are here offering no opinion whether the reporter of the court ought or ought not to be placed in a position of greater independence of popularity as an author; we only say, that if the Profession like free trade in reporting, they must take with it its consequences, and among them, the pressure on the reporter of the court, to omit no case which may by *possibility* be at some time relied on by somebody, as an authority for something.

We have thus pointed out the principal and most grave faults of the present system of reporting—faults which attach to it in its quality of a literary and commercial enterprise, and which will not be cured either by reducing the price per sheet, or bringing out the parts with greater rapidity. These changes will be beneficial, but some much more radical change is requisite before the authorised reports of the courts will be what they ought to be, and what they were in the olden times.

his matter to those dimensions than to issue it at double the length, and by an affidavit by the publisher that the expense of correcting the press, in order so to condense, had exceeded the expense of printing double the quantity—the purchasing public would believe neither the author nor the publisher; at any rate, they would not purchase the book.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—Your correspondent who signs his letter "J." seems very ill informed on the subject on which he writes. For his information I will tell him that, with *one* exception only, (and that I believe was the case of a late appointment), no county court judge thought it necessary to have his appointment stamped, and consequently it is an erroneous inference to suppose that those only were retained by the Audit-office which were unstamped. The fact is, that, after a long delay, the appointments were returned unstamped; and since their return, some of the county court judges, but by no means all of them, have paid for their stamps, trusting to the honour of Government to refund the money in case it shall be found that the demand is illegal; and I may add, that there are strong grounds for believing that the demand is illegal; for in addition to the grounds stated in my last letter, it is worthy of remark, that when the majority of the judges were appointed, they were not paid by salary, (as required by the Stamp Act), but by fees. They were only paid by salary some years after they had been in possession of their office. As to the appointment of judges in fresh districts, "J." is perfectly welcome to his construction of the 9 & 10 Vict. c. 95, if he can make it good.

I remain, Sir, your obedient servant,

YOUR CORRESPONDENT OF SEPT. 24.

Oct. 26, 1853.

## PROSPECTUS OF THE LECTURES

To be delivered during the ensuing Educational Term by the several Readers appointed by the Inns of Court.

### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History during Michaelmas Term, 1853, will embrace the following subjects:—

The Influence of the Canon and Civil Law on our Institutions and Courts of Justice—The Genius of the Feudal Law, and its Character in this Country and in France—The Changes in the Tenure of the Landed Property in England before the Accession of the House of Tudor—The Progress of Jurisprudence in Europe—The Changes in the Constitution during the Tudor Dynasty—The Conduct of Parliament, and the Character of the Proceedings in the Courts of Justice, from the Accession of James the First to the breaking out of the Civil War.

The Text Books and Books of Reference will be:—Montesquieu's *Esprit des Loix*, Liv. 30—Canciani, *Leges Barbarorum*—Héricourt *Loix Ecclesiastiques*—Savigny *Geschichte des Römischen Rechts*—Matthew Paris—Reeve's *History of the English Law*—Fleury's *Droit Ecclesiastique*—Corpus *Juris Canonici*—Rapin's *History of England*—State Trials—Clarendon's *History*—Brodie's *Constitutional History*, and Millar on the English Government and Constitution—Statute Book—Blackstone's *Commentaries*—Littleton's *Services*—Butler's *Notes to Coke on Littleton*—Hallam's *Constitutional History*—Sugden's *Preface to Gilbert on Uses and Trusts*—Sullivan's *Lectures*—Eichhorn, *Deutsche Staats- und Rechtsgeschichte*—Muratori, *Antich. Ital.*

In his Private Lectures the Reader will follow the same course, dwelling chiefly on our Domestic History and the Progress of Constitutional Principle and Legal Knowledge, as indicated by the Statute Book and the proceedings of our Courts of Justice.

The Reader on Constitutional Law and Legal History will deliver his Public Lectures at Lincoln's Inn Hall on Wednesday in each week during the Educa-

tional Term, commencing at two P. M. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday morning in each week, from half-past nine to half-past eleven o'clock, in the Benchers' Reading Room at Lincoln's Inn Hall.

#### EQUITY.

The Reader on Equity proposes to give, during the ensuing Educational Term, Six Public Lectures on the History of the Court of Chancery; its Procedure, and Relation to the Courts of Common Law.

##### *First Lecture.*

Judicial System of the Anglo-Saxons—Important Alterations effected on the Norman Conquest—The Aula Regia—The System of Writs—The Cancellarius—Establishment of the Superior Common-law Courts—The Chancellor of the Exchequer—Influence of the Civil Law—The Court of Parliament—Authority of the Chancellor as sole Judge in Equity established.

##### *Second Lecture.*

Principles on which the Equitable Jurisdiction was established—Their early recognition—Reference to Conscience and the rules of the Casuists—The Clerical Chancellors—History of the Court since the Reformation—Subjects of Equitable Jurisdiction.

##### *Third Lecture.*

The Great Seal of England—Its Custody—The Privy Seal, Signet, and Sign-manual—The Court of Requests—The Star Chamber—Privy Council—Common-law side of the Court of Chancery—Jurisdiction of the Chancellor over Lunatics and Infants—Appeal from the Chancellor to the House of Lords.

##### *Fourth Lecture.*

Procedure in Chancery—Suit commenced by Writ of Scire Facias—By Writ of Subpoena—English Bill—Process to compel Appearance—Recent Alterations in the Process—Defence by Demurrer—By Plea.

##### *Fifth Lecture.*

Relation of Pleadings in Equity to Pleadings at Common Law—Interrogatories—Practice of compelling a Defendant to answer on Oath—How far sanctioned by the Civil Law—Setting down a Cause on Bill and Answer—Mode of taking Evidence in Chancery—The Hearing—Adjournment to Chambers—Office of Master in Chancery—Its Abolition.

##### *Sixth Lecture.*

Nature of the relief afforded in Chancery—Judgments at Common Law—How far the Court of Chancery acts in rem—Specific Performance of an Agreement—Injunction—Powers of the Court under Statutes.

In addition to the Public Lectures, it is proposed that two Classes shall be formed, as during the preceding Terms, for the study of the Principles and Practice adopted by Courts of Equity, each Class to meet for one hour three times a week: the Junior Class will read Smith's Manual of Equity Jurisprudence, and Mitford's Pleadings in Chancery; the Senior Class will read Story's Commentaries on Equity Jurisprudence; the second volume of White & Tudor's Leading Cases, commencing with *Howe v. The Earl of Dartmouth*; Mitford's Pleadings in Chancery; and Wigram's Points in the Law of Discovery. Each student will be expected, in the intervals between the meeting of the class, to peruse portions of these and other works pointed out by the Reader, and to be prepared, at the ensuing meeting of the class, to answer and discuss questions arising out of the subjects of their reading.

The Reader on Equity will deliver his Public Lectures at Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock P. M. The Reader will receive his Private

Classes on Monday, Wednesday, and Friday evenings in each week, from seven to nine o'clock, in the Benchers' Reading Room at Lincoln's Inn Hall.

#### LAW OF REAL PROPERTY, &c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Six Public Lectures on the Power of Testamentary Disposition and the Construction of Wills.

I. Introduction. General View of the Extent of the Testamentary Power with Reference to Real and Personal Property previous to the passing of the 1 Vict. c. 26.

II. 1 Vict. c. 26. The Property which may be disposed of by Will; sect. 3. The Capacity of Testators; sects. 7, 8, 11, 12. The Execution and Attestation of Wills; sects. 9, 10, 13—17.

III. On the Revocation and Revival of Wills; sects. 18—23.

IV. On the Construction of Wills.

1. The Operation of Residuary and General Devises; sects. 24—28.

2. The Construction of particular Words; sect. 29.

3. The Estate taken by Trustees under a Devise; sects. 30, 31.

4. Lapse; sects. 32, 33.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class, the text of Sugden on Powers will form the basis of the Lectures; and the latest decisions illustrating the principles there laid down will be examined and commented on. With the Junior Class, the effect of recent Legislation upon the Practice of Conveyancing, with reference to the framing of Purchase and Mortgage Deeds, will be discussed.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two P. M., (the first Lecture to be delivered on the 4th November). The Private Classes will be held in the North Library of Gray's Inn, every Monday, Wednesday, and Friday morning, from a quarter to twelve to a quarter to two o'clock.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law will deliver, in the course of the ensuing Educational Term, Six Public Lectures on the following subjects:—

On General or Scientific Jurisprudence—On some of the primary technical Terms of Legal Science—On the Relation of Law to Moral Philosophy—On the Jus Gentium of the Roman Jurists, and on some Modern Theories of Natural Law—On the Sources of the Roman Civil Law and the Composition of the Corpus Juris—On the Relation of the Roman Civil Law to General Jurisprudence—On the Order and Connexion of the Departments of Law—and on the Systems of Classification adopted by certain Modern Jurists.

With his Private Classes the Reader will proceed regularly through the principal heads of Roman Law, following the order of topics observed in the Institutional Treatise of Gaius. The modern commentaries principally employed will be—The Institutiones and Commentarii Juris Romani Privati of Warnkönig—The Pandekten of Puchta—and the Institutes Nouvellement Expliquées of Ducaurroy.

The following works will also be incidentally referred to, and portions of them recommended for perusal:—Dumont's Bentham—Austin's Province of Jurisprudence Determined—The Esprit des Lois—The Droit Civil of Toullier—The Doctrina Juris Philosophica of Warnkönig—The Histoire du Droit of Herminier—The Innere Geschichte des Römischen Rechts, and the Aeusserer Geschichte des R. R. of Tigerstrom—The Explication Historique des Instituts of Ortolan—

Wheaton's Elements of International Law—The Droit International Privé of Fœlix—and Story's Conflict of Laws.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two p. m., (the first Lecture of the course on Tuesday, the 1st November).

The Private Classes will assemble at the Class-room, in Garden-court, on every Monday, Wednesday, and Friday during the Educational Term, at half-past nine a. m.

#### COMMON LAW.

The Reader on Common Law proposes to deliver during the Educational Term, commencing the 1st November, 1853, Six Public Lectures of a general character, intended as introductory to those of the succeeding Terms. The subjects to be treated of in these Six Lectures will be as under:—

Lecture I.—On the Advantages derivable from a Study of the Law, and the Mode in which that Study should be pursued.

Lecture II.—Law, how distinguished from Equity. The leading Branches of our Common Law defined and characterised.

Lecture III.—The Origin, History, and Jurisdiction of each of the three Superior Courts of Common Law.

Lecture IV.—Of Legal Rights and Remedies generally.

Lecture V.—Mode of Procedure in the Superior Courts.

Lecture VI.—Jurisdiction of, and Mode of Procedure in, the County Courts.

With his Private Class the Reader on Common Law will consider in detail the subjects comprised in the three latter Lectures of the above course. He will inquire into the nature of Legal Rights and Remedies, and into the respective Jurisdictions of the Superior and County Courts. The books to be used with the Private Class will be the following:—Blackstone's (or Stephen's) Comm., vol. 1, Introduction, sects. 2, 3; vol. 3, book 5, chap. 7, and those portions of chap. 8 which concern purely Personal Rights and Actions; Smith's Leading Cases; and any recent Treatise on the Law and Practice of the County Courts.

The Lectures on Common Law during the ensuing Term will be delivered, and the Private Classes will meet, in the Hall of the Inner Temple as under:—

The Public Lecture on Monday in each week at two p. m.; the first Lecture to be delivered on Monday, the 14th November.

The Private Class on Tuesday, Thursday, and Saturday in each week from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,  
(Signed) RICHARD BETHELL, Chairman.

#### REGULÆ GENERALES.

##### ORDERS IN LUNACY.

Monday, November 7, 1853.

I, ROBERT MONSEY, Baron CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of her Majesty the Queen's sign-manual, with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, do, with the advice and assistance of the Right Hon. Sir JAMES LEWIS KNIGHT BRUCE and the Right Hon. Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery, also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, 1853, and of every other power or authority in anywise enabling me in this behalf, order as follows:—

1. The General Orders in Lunacy dated respectively the 27th day of October, 1842, and the 15th day of April, 1844, are hereby discharged.

2. All pending proceedings are to be carried on according to the provisions of these Orders, as far as may be practicable, and, subject thereto, according to the practice heretofore subsisting; and, in case of doubt as to the mode of procedure, in such of the modes aforesaid as the Masters shall direct; and the provisions of these Orders are to be deemed to be subject to variation by special order in any case, and are to be applicable only where there may be no express directions contained in or given by any special order concerning any of the several matters provided for in these Orders, or so far as such directions may not extend.

3. In these Orders, unless there be something in the subject-matter or context repugnant to such a construction, words expressed in the singular and in the plural number respectively are to be construed as applicable respectively to several persons or things, and to one person or thing; and words importing the masculine gender are to be construed as applicable to females as well as males. The expression "the Masters" is to be taken to mean the Masters jointly and severally; the expression "the Accountant-General" to mean the Accountant-General for the time being of the High Court of Chancery; the expression "the Bank" to mean the Bank of England; the expression "next of kin" to comprehend heir or heirs at law, and also the person or persons who would be entitled to the lunatic's estate, or to shares thereof, under the statutes for the distribution of the effects of intestates, in case he were dead intestate; the provisions referring to Orders in Lunacy are to be deemed to extend, as far as they may be applicable, *mutatis mutandis*, to the case of directions contained in reports confirmed by fiat; and the provisions respecting the committee of the estate, his appointment, accounts, payments, allowances, and matters of the like nature, are to be deemed to extend, as far as they may be applicable, *mutatis mutandis*, to the case of a receiver.

4. Where, in these Orders, or in a special order, a limited time from and after a date or event is appointed or allowed for doing any act or taking any proceeding, the computation of such limited time is not to include the day of such date or of the happening of such event as aforesaid, but is to commence at the beginning of the next following day; and the act or proceeding is to be done or taken, at the latest, on the last day of the limited time according to this computation.

5. Where, according to these Orders, or a special order, the time for doing any act or taking any proceeding expires on a Sunday, or on a day on which the offices are closed, and by reason thereof the act or proceeding cannot be done or taken on that day, the act or proceeding is, as far as regards the time of doing or taking the same, to be held to be duly done or taken if done or taken on the Monday next following, or on the day on which the offices next open, as the case may be.

6. The power of the Lord Chancellor, Lords Justices, and Masters respectively, to enlarge or abridge the time for doing any act or taking any proceeding upon such (if any) terms as shall to him or them seem expedient, is to be deemed unaffected by these Orders.

#### *Proceedings respecting the Inquisition.*

7. The notice to an alleged lunatic of the presentation of the petition for inquiry is to be by service on him of a copy of such petition, with a notice thereon indorsed, signed by the petitioner or by his solicitor, to the following effect, with such variations as circumstances may require:—

"Mr. A. B.

"Take notice, that a petition, of which a copy is

within written, was on the — day of — presented to the Lord Chancellor by me, [or, by C. D., of —]\*, and that, by virtue of and under the same, an inquiry may be ordered to take place before one of the Masters in Lunacy, as to whether you are or are not of unsound mind and incapable of managing yourself and your affairs; but that you may, in case you think fit, demand that such inquiry may, if ordered, be had before a jury, in which case a notice of such your desire must be signed by you, and attested by your solicitor, and filed with the Registrar in Lunacy, at his office in Southampton-buildings, Chancery-lane, London, within seven days after your receipt of this present notice.

"Dated this — day of —.  
(Signed) "C. D.  
[or, X. Y., of —,  
"Solicitor for the petitioner C. D.]"

8. The notice to an alleged lunatic of a report of the Commissioners in Lunacy, under sect. 54 of the said act, is to be to the effect following, with such variations as circumstances may require:—

"Mr. A. B.

"Take notice, that the Commissioners in Lunacy did, on the — day of —, make a report to the Lord Chancellor, stating that you are detained or taken charge of as a person of unsound mind, [or, that you are alleged to be a person of unsound mind], and that they are of opinion that your property is not duly protected, [or, that the income of your property is not duly applied for your benefit.] And take notice, that such report having been duly filed, an inquiry may thereon be ordered by the Lord Chancellor, to take place before one of the Masters in Lunacy, as to whether or not you are of unsound mind and incapable of managing yourself and your affairs; but that in case you think fit to demand that such inquiry, if ordered to be held, may take place before a jury, a notice thereof must be signed by you, and attested by your solicitor, and filed with the Registrar in Lunacy, at his office in Southampton-buildings, Chancery-lane, London, within seven days after your receipt of this present notice.

"Dated this — day of —.  
(Signed) "X. Y."

9. A notice under either of the two last preceding Orders is to be served on the alleged lunatic by being delivered to him personally; or where, by reason of the condition or situation of the alleged lunatic, or the other circumstances of the case, personal service cannot be effected, or it is deemed inexpedient to effect personal service, then by being delivered to some adult inmate at the dwelling-house or usual or last known place of abode of the alleged lunatic, within the jurisdiction; and an affidavit of service, stating particularly the time and place and mode of service, and where there has not been personal service, the grounds and reasons of such service not having been made, is to be filed with the registrar.

10. The notice to be given by an alleged lunatic for demanding a jury may be to the effect following, with such variations as circumstances may require; that is to say:—

"In the Matter of A. B., an alleged Lunatic.

"I, the above-named A. B., having been on the — day of — served with a notice of the presentation of a petition for an inquiry [or, of the filing of a report whereon an inquiry may be ordered] whether or not I am of unsound mind and incapable of managing myself and my affairs, do hereby demand, that, in the event of

such an inquiry as aforesaid being ordered, the same be had before a jury.

"Dated this — day of —.  
(Signed) "A. B.

"Witness,

"M. N., of —,

"Solicitor for the above-named A. B."

*Proceedings after Inquisition.*

11. The Masters are in each matter, immediately after inquisition finding the party to be a lunatic, to inquire and report on the matters following:—

1. The lunatic's situation.
2. The nature of his lunacy.
3. Who is the most fit person to be appointed the committee of his person and of his estate.
4. Of what his fortune consists.
5. The amount of his income.
6. In what manner, and at what expense, and by whom, and where, he has been maintained; what is fit to be allowed for his past maintenance; whether anything and what is due, and to whom, in respect thereof; and to whom and out of what fund the same ought to be paid.
7. What is fit to be allowed for his future maintenance, from what time the allowance ought to commence, and out of what fund the same ought to be paid.

12. The Masters are to be at liberty from time to time to make such inquiries as to them shall seem expedient respecting any dealings with the lunatic's estate, and the application of the same, or any part thereof, prior to the date of the inquisition, and respecting the state and condition of the lunatic when any such dealings took place, whether any request or proposal in that behalf shall or shall not have been made to or laid before them, and to report thereon, and on the circumstances connected therewith, and the steps, if any, proper to be taken, and by and against whom in relation thereto.

13. The Masters are to be at liberty, when it shall seem to them expedient, to inquire what debts, if any, not open to dispute or question, are due from the lunatic, and to whom, and whether the same or any and what parts or part thereof ought to be paid, and out of what funds or property, and to entertain proposals for the adjustment and settlement thereof, and for the compromise and settlement of any disputed debt, claim, or demand upon or against the lunatic or his estate, and to report on such matters respectively.

14. The Masters are also to be at liberty from time to time to receive any proposal and conduct any inquiry touching any other matters affecting the property of the lunatic, whether real or personal, and to report thereon.

15. The committee of the estate is annually, or at such longer or shorter periods as the Masters shall fix, to procure his accounts to be delivered into the Masters' office, and is to attend before the Masters from time to time, and at or within such time as the Masters shall fix, and have such accounts taken and passed; in taking and passing which accounts the Masters are to make to him all just allowances, including an allowance of his reasonable and proper costs, charges, and expenses of passing the accounts, and those of the next of kin and other persons (if any) allowed to attend on the passing of the accounts, at the costs of the estate.

16. The balances certified by the Masters to be due from the committee of the estate on passing his accounts from time to time, or so much thereof respectively as the Masters certify to be proper to be paid by him, are to be paid by him, at or within such time as the Masters shall fix, into the Bank, with the privy of the Accountant-General, to the credit of the matter, and the same, when paid in, and any sum of cash at

\* Note.—Where a demand for a jury has been filed before petition, from this to the end is to be omitted.



the Bank to which the lunatic may be entitled, or so much thereof respectively as the Masters shall by their certificate direct, are from time to time, and in case the Masters shall think fit to fix a time, then within such time as the Masters shall fix, to be laid out in the purchase of Bank 3l. per Cent. Annuities, in the name and with the privity of the said Accountant-General, in trust in the matter; and the dividends from time to time to accrue due on the Bank Annuities to be so purchased, and all accumulations of dividends, are, unless the Masters shall otherwise certify, as and when the same amount to a competent sum, to be laid out by the Accountant-General in like manner, without any request for the purpose.

17. Where the committee of the estate makes default in bringing in his account, or in having the same passed, or in paying the balance certified to be due from him, or in causing the same, or any sum of cash in the Bank, to be laid out pursuant to any certificate or direction in that behalf, the Masters are, unless good cause be shewn to them to the contrary, not only to disallow any salary claimed by him or his representatives, but also to charge him or them with interest, after the rate of 5l. per cent. per annum, upon any balance or cash for the time during which the same respectively appears to have improperly remained in hand or uninvested, (as the case may be).

18. The committee of the estate is, on each occasion of passing his account, and also whensoever the Masters may so require, to satisfy the Masters that his sureties are living, and that neither of them has been declared bankrupt or insolvent; and in default thereof, the Masters are to require him to enter into fresh security within such time as they shall fix.

19. The security of the committee of the estate may be from time to time, on request, reduced to an amount corresponding, in the judgment of the Masters, with the condition for that time being of the estate and effects of the lunatic, and the dividends, interest, and annual produce thereof; and he is to be at liberty to enter from time to time into fresh security accordingly, to the approbation of the Masters.

20. Where the Masters, by certificate, direct or give liberty for the payment into the Bank of money, or the transfer into the name of the Accountant-General of stock respectively belonging to the lunatic, to the credit of or in trust in the matter, they are to be at liberty to direct that the same be placed to such particular account, or that it shall not be paid or transferred out without notice to such person, as occasion may require and they may direct.

21. The Masters are from time to time, in each of the cases following, without special order, to inquire and report whether or not it is expedient that a committee of the person or of the estate should be appointed, and if so, who is the most fit person to be appointed; that is to say—

1. On default of a person approved to be committee of the estate in duly perfecting his security.
2. On default of a committee of the estate in duly perfecting a fresh security when required by the Masters.
3. On the death or discharge of a committee, or one of several committees, (where the custody does not survive.)

22. The Masters are to be at liberty to permit any person whose attendance may appear to them to be proper, and for the security or advantage of the lunatic or his estate, other than the committee and next of kin of the lunatic, to attend on the proceedings or on any particular proceeding before them in the matter, and all the provisions contained in sect. 81 of the said act, as to the attendance of next of kin, are to extend

and apply, *mutatis mutandis*, to the attendance of such person as aforesaid, as well before the Masters as before the Lord Chancellor or Lords Justices.

23. The Masters are to be at liberty to direct that several parties appearing before them by different solicitors shall appear by the same solicitor, or otherwise at their own costs; or that several parties appearing before them by the same solicitor shall appear by different solicitors; and the parties are not to appear otherwise before the Lord Chancellor or Lords Justices, except by special leave, or at their own costs.

24. The Masters are to be at liberty, on request or otherwise, to make a separate report, or to state any circumstances specially with respect to the subject-matter of a report, as they see fit, and are to be at liberty to make a special report or special certificate on any matter, as they see fit.

25. In reports, certificates, orders, and other documents issued from or brought into the offices of the Masters and Registrar respectively, numbers are to be denoted by figures and not by words, except in affidavits and the conclusions of reports and certificates, and the ordering parts of orders.

26. Any person in whose custody, possession, power, or control the same may be, is to be at liberty to deposit any will, codicil, or testamentary paper of the lunatic in the office of the Masters, upon oath, as they may direct, there to remain for safe custody.

#### *Stamps and Per-centage.*

27. The stamps to be used under the Lunacy Regulation Act, 1853, shall be the same as those for the time being in use under an act passed in the session of Parliament held in the fifteenth and sixteenth years of the reign of her present Majesty, intituled "An Act for the Relief of the Suitors of the High Court of Chancery." Such stamps are to be affixed, by the parties requiring the same, on the vellum, parchment, or paper on which the proceeding in respect whereof such stamps shall be required is written or ingrossed, or which may otherwise be used in reference to such proceeding.

28. Every officer who shall receive any document to which a stamp shall be so affixed is immediately upon the receipt thereof to obliterate or deface such stamp, by impressing thereon a seal to be provided for that purpose, but so as not to prevent the amount of the stamp from being ascertained; and no such document is to be filed or delivered out until the stamp thereon shall be obliterated or defaced as aforesaid.

29. The Masters may, in such cases as they may think fit, certify that the whole or any part of the per-centage payable under the Lunacy Regulation Act, 1853, is to be paid from time to time out of cash arising from dividends of the lunatic that may be standing to the credit of the matter of any lunacy, either generally or to any particular account; and in such cases the certificate is to be left at the office of the Accountant-General, and the Accountant-General is, by virtue of such certificate, when so left, from time to time out of such cash to carry over to the credit of the Suitors' Fee Fund Account the amount to be so certified; and any orders made and to be made in any such matters respectively are to be subject to this Order, and to be acted upon by the Accountant-General accordingly.

30. In all other cases the said per-centage is to be paid by means of stamps, and the chief clerk to the Masters is from time to time to give notice in writing to the committee or other person of the amount of per-centage to be paid by him, according to the certificate of the Masters, under sect. 27 of the said act, and of the time within which such amount is to be paid, which time is to be fixed by the Masters, and mentioned in their certificate; and the said committee or other person is within such time to pay the amount stated in the

notice out of the income of the lunatic, by purchasing stamps to such amount, and file such notice, with the stamps affixed, at the office of the Masters.

31. Where it appears to the Masters, with a view to the establishment of a uniform period for the payment of per-centage in the several matters in lunacy, or for other purposes, to be expedient, they are to be at liberty to make in any case a certificate comprising the income of a period greater or less than one year, and stating the amount of per-centage payable for such period, calculated according to the scale provided in the said act.

32. The Masters are, once at least in every six months, and oftener if they shall think fit, to certify the names of all persons, if any, who shall then be in default in paying the amount certified to be payable by them in respect of the said per-centage, and filing the notices duly stamped as hereinbefore provided, with the amounts payable by such parties respectively.

33. The foregoing Orders respecting per-centage shall extend and be applied to the property of lunatics under the protection of the Lord Chancellor and Lords Justices, intrusted as aforesaid, by virtue of proceedings taken under the act of the session of Parliament holden in the 8 & 9 Vict. c. 100, s. 95; and also to the property of lunatics under the protection of the Lord Chancellor and Lords Justices, intrusted as aforesaid, by virtue of the transmission of the record of an inquisition from Ireland, and its entry of record in the Chancery of England, except in respect of income arising from property of such persons not within the jurisdiction of the Lord Chancellor and Lords Justices, intrusted as aforesaid, nor administered under their authority; and the several foregoing Orders as to fees shall extend and apply to all the proceedings in the matter of such lunatics as aforesaid, and in the matter of any persons residing out of England and Wales, and declared idiot, lunatic, or of unsound mind, according to the laws of the place where they are residing, where the Lord Chancellor or Lords Justices, intrusted as aforesaid, make an order affecting the stock, or any portion of the capital, stock, or shares of such person as last aforesaid, or the dividends thereof.

And for the purpose of saving the repetition in Orders in Lunacy that may from time to time be made, of directions usually inserted therein, I do, in pursuance of the Lunacy Regulation Act, 1853, and with the advice and assistance aforesaid, further order as follows:—

34. Where any matter or thing is referred to or is directed or permitted to be done by or before the Masters, it is to be considered to be referred to them jointly and severally, and may be done by or before them or either of them, but so nevertheless that all matters in the same lunacy may, so far as may be convenient, be conducted and carried on before the same Master.

35. All orders for the appointment of committees, and for the allowance of maintenance, are to be deemed to take effect only until further order.

36. Where it is ordered that a person named be appointed committee of the estate, the order is to be deemed to take effect only on the Masters certifying that he has given such security as they have approved of for answering the estate, and accounting for the rents, profits, and produce thereof once in every year, or oftener if thereunto required, before the Masters, and such security is to be perfected at or within such time as the Masters may appoint; and until such security shall have been perfected, the approved committee is not to interfere in any manner in the affairs and concerns of the lunatic, as the committee of his estate or otherwise.

37. Where it is ordered that a person named be appointed receiver of the estate, or the Masters are directed to appoint a receiver thereof, they are to allow him a reasonable salary for his care and pains in the management of the estates, he first giving security, to be allowed of by the Masters, and taken before a commissioner to administer oaths in Chancery in the country, if there shall be occasion, duly and annually to account for what he shall receive, and to pay the same as he shall be directed. And the tenants of the lunatic's estates are to attorn and pay their rents in arrear and growing rents to the receiver, who is to be at liberty to let and set the estates from time to time, with the approbation of the Masters, as there shall be occasion.

38. Where it is ordered that the committee of the estate do receive, or be at liberty to receive, any money on account of the lunatic or his estate, he is to give credit for the same on passing his accounts before the Masters; and where any sum is ordered to be allowed for the maintenance of the lunatic, or to be expended for any other purpose out of his estate, the committee of the estate is to be allowed the amount of the allowance for maintenance, or the amount to be expended, (as the case may be), on passing his accounts before the Masters.

39. Where it is ordered that the committee of the estate do pay any sums of money for maintenance, he is to pay the same out of income; and where it is ordered that he do pay any costs, he is to pay the same, when taxed, out of any monies coming to his hands, after providing for the maintenance.

40. Where it is ordered that the committee of the estate or the person be at liberty to retain any furniture or effects of the lunatic, he is to sign an inventory thereof, and an undertaking to deliver up the same when required so to do, and such inventory and undertaking are to be deposited in the office of the Masters.

41. Where it is ordered that the committee of the estate be discharged, the Masters are to take and pass his account of his receipts and payments for and on account of the lunatic and his estate from his appointment, or from the foot of his then last account passed in the matter, up to the day of the date of the order; and the balance (if any) which the Masters may certify to be due from the committee on passing the aforesaid account is to be paid by him, by virtue of the certificate, into the Bank, with the privity of the Accountant-General, to the credit of the matter, within such time as the Masters shall by their certificate direct; and in case the Masters shall find a balance to be due to the discharged committee, the same is to be paid to him by the new committee of the estate out of the estate of the lunatic; and upon payment of the aforesaid balance (if any) by the discharged committee in manner aforesaid, or in case there shall not be a balance found due from him, or in case the taking and passing of the account is not required, and may in the opinion of the Masters be properly dispensed with, then his security is to be discharged.

42. Where the committee of the estate dies, the Masters are to take and pass the account of his receipts and payments for and on account of the lunatic and his estate from his appointment, or from the foot of his then last account passed in the matter, up to the day of his death; and the balance (if any) which the Masters may certify to be due from the late committee on passing the aforesaid account may be paid by his legal personal representatives, by virtue of the certificate, into the Bank, with the privity of the Accountant-General, to the credit of the matter, within such time as the Masters shall by their certificate direct; and in case the Masters shall find a balance to be due to the late committee, the same is to be paid to his legal personal representatives by the new committee of the

estate, out of the estate of the lunatic; and upon payment of the aforesaid balance (if any) by the legal personal representatives of the late committee in manner aforesaid, or in case there shall not be a balance found due from him, or in case the taking and passing of the account is not required, and may in the opinion of the Masters be properly dispensed with, then his security is to be discharged.

43. Where a supersedeas is issued, the Masters are to take and pass the account of the committee of the estate of his receipts and payments for and on account of the lunatic and his estate from his appointment, or from the foot of his then last account passed in the matter, up to the day of the date of the order; and the balance (if any) which the Masters may certify to be due from the committee on passing the aforesaid account is to be paid by him to the lunatic; and in case the Masters shall find a balance to be due to the committee, the same is to be paid to him by the lunatic; and upon payment of the aforesaid balance (if any) by the committee in manner aforesaid, or in case there shall not be a balance found due from him, or in case the taking and passing of the account is not required, then his security is to be discharged, and due notice of attending the Masters is to be given to the lunatic.

44. When a lunatic dies, the Masters are to take and pass the account of the committee of the estate of his receipts and payments for and on account of the late lunatic and his estate from his appointment, or from the foot of his then last account passed in the matter, up to the day of the decease of the late lunatic; and the balance (if any) which the Masters may certify to be due from the committee on passing the aforesaid account is to be paid by him to the legal personal representatives of the late lunatic, to be by them applied in a due course of administration; and upon payment of the aforesaid balance (if any) by the committee in the manner aforesaid, or in case there shall not be a balance found due from the committee, or in case the taking and passing of the account is not required, and may in the opinion of the Masters be properly dispensed with, then his security is to be discharged.

45. Where a committee enters into a fresh security, upon the same being duly perfected, and upon the balance then due by the committee being paid or secured to the satisfaction of the Masters, the security theretofore in force is to be discharged.

46. Where, under or in pursuance of these Orders, or any special order, the security of a committee of the estate or receiver is to be discharged, then, in the case of a bond, the Masters are to deliver up the same to be vacated and cancelled; and in the case of a recognisance, the Masters are by certificate to direct the clerk of the inrolments of the Court of Chancery to attend the Master of the Rolls with the inrolment of the recognisance to be vacated and discharged; and such clerk is, by virtue of such certificate, to attend accordingly. And in the case of security having been given, in the whole or in part, by a sum of money or stock being brought into court, the Masters are, by report, to approve the payment or transfer in such manner as the committee or receiver may request, and as may seem proper, of the sum of money or stock so brought in as aforesaid, and of all stock dividends and accumulations of dividends produced by or arising from the same; and on such report being confirmed, such payment or transfer is to be made accordingly, by or with the privity of the Accountant-General, as the case may require.

47. On the death of a lunatic, or a supersedeas being issued, the Masters are to ascertain and report who is entitled to receive the several deeds, securities, bonds, papers, effects, and things relating to or forming part of the estate and property of the lunatic remaining depo-

sited in their office for safe custody; and on such report being confirmed, the same are to be delivered out to the person who may be entitled to receive the same respectively.

48. Where it is ordered that any costs, or costs, charges, and expenses, be taxed, the Taxing Master of the Court of Chancery in rotation, or the Taxing Master to whom the taxation of costs in the matter stands referred, (as the case may be), is to tax and certify such costs, or costs, charges, and expenses, and also to certify the names of the respective solicitors to whom the same should be paid; and due notice of attending the Taxing Master on the taxation is to be given to such parties as the Masters shall have certified are to attend on the proceedings in the matter; and where it is ordered that the costs, charges, and expenses of any committee or next of kin in the matter of any lunacy be taxed, the Taxing Master, in taxing such costs, charges, and expenses, is not to allow the costs, charges, or expenses of any petition or application upon which no order shall have been drawn up, unless the same shall by any order be directed to be allowed or ordered to be costs in the matter of such lunacy; nor to allow the costs, charges, or expenses of any proposal or inquiry before the Masters which they shall have disallowed, or not thought fit to adopt or carry into effect, unless the Masters shall have certified that such proposal or inquiry was proper.

49. Where, under or in pursuance of the said act, or these Orders, or any special order, fiat, or certificate, any money is paid into the Bank with the privity of the Accountant-General, or any money or dividends, or accumulations of dividends, is or are invested in his name, and with his privity, in the purchase of Bank Annuities, or any stocks, funds, or annuities are transferred into his name, and with his privity, in the books of the Governor and Company of the Bank of England or of any other public company, or any stocks, funds, or annuities standing in his name are carried over in trust in a matter or to any account therein, he is to declare the trust thereof respectively accordingly, subject to further order.

50. For the purposes of any payment or investment to be made under these Orders, or any special order, by the Accountant-General, he is to be at liberty to draw on the Bank of England, according to the form prescribed by the act of Parliament passed in the twelfth year of the reign of his late Majesty King George I, and intituled "An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds," and the General Rules and Orders of the said Court in that case made and provided.

51. Where any sum of stock standing in the books of the Governor and Company of the Bank of England, or any other public company, in the name of the Accountant-General, in trust in a matter generally, or on a particular account, is to be sold with his privity, one of the cashiers of the Bank is to have notice to attend the sale, and is to receive the money to arise thereby, and upon receipt thereof is forthwith to pay the same into the Bank, with the privity of the Accountant-General, to the credit of the matter generally, or on the particular account, (as the case may be).

52. Where it is ordered that a sum of stock standing in the books of the Governor and Company of the Bank of England, or other public company, be transferred into the name and with the privity of the Accountant-General of the Court of Chancery, in trust in the matter, either generally or on a particular account, and no person is named in the order for making the transfer, the secretary or deputy secretary, accountant-general or deputy accountant-general, for the time

being of the said Governor and Company, or other proper officer of such other company, is to make the transfer, and he or one of the cashiers for the time being of the said Governor and Company, or other such proper officer as aforesaid, is to receive any sum of money standing in the books of the said Governor and Company, or such other company as aforesaid, accrued due at the date of the order, by way of dividend or periodical payment in respect of the stock to be transferred, and also any future sum so to accrue due previously to the transfer, and is to pay the same into the Bank, with the privity of the Accountant-General of the Court of Chancery, to the credit of the matter, either generally, or on such particular account as aforesaid, as the case may require.

53. Where it is ordered that the Accountant-General of the Court of Chancery, or any other person, or any company or body, do pay or be at liberty to pay any sum or sums of money, dividend or periodical payments, or deliver any effects to the committee of the estate, the order is not to take effect unless and until the Masters shall have certified that he has perfected his security.

54. Where a report, certifying and approving of an agreement by an intended lessee to take a lease of certain hereditaments, upon the terms and conditions therein specified or referred to, is confirmed, and it is ordered that the agreement be adopted and carried into effect, the Masters (if they shall not have already done so) are to settle and approve of a proper lease to be granted to the intended lessee of the same hereditaments, at the rent, for the period, and under and subject to the covenants and conditions agreed on and approved of by the Masters; and the committee of the estate is, in the name and on behalf of the lunatic, to execute the lease, when so settled and approved of, upon the Masters signing their allowance thereof, and upon the intended lessee executing a counterpart thereof, and the Masters are to certify accordingly.

55. Where it is ordered that the committee be at liberty to raise, by mortgage of any part of the lunatic's estate, a sum of money for any purpose, the Masters are to settle and approve of a proper mortgage; and the committee, upon payment to him, or as may be directed, of the amount to be raised, is, in the name and on the behalf of the lunatic, to execute the mortgage when so settled and approved of, and to do all such other acts as shall be necessary to effectuate the same; and the committee is, out of the rents, profits, and produce of the lunatic's estate, to pay and keep down the interest on the mortgage.

56. Where a report approving of the sale of part of the lunatic's real or leasehold estate is confirmed, the purchaser is, at or within such time as the Masters shall fix, to pay the purchase money for the hereditaments sold, into the Bank, in the name and with the privity of the Accountant-General, to the credit of the matter, and to such particular account (if any) as the Masters may appoint; and upon the same being paid in, the purchaser is to be let into the possession of the hereditaments sold, and the receipt of the rents and profits thereof, as from such day as the Masters may appoint; and the committee of the estate is forthwith, in the name and on the behalf of the lunatic, to execute all proper conveyances, assignments, and assurances of the hereditaments sold, unto the purchaser and his heirs, or his executors, administrators, and assigns, or as he or they shall direct, to be settled by the Masters, and due notice of attending the Masters is to be given to all parties interested.

CRANWORTH, C.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.

# LOCAL AND PERSONAL ACTS, DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 435).

CAP. civ.

An Act for more effectually repairing and maintaining the Road from Burford, in the County of Oxford, to Lechlade, in the County of Gloucester, the Road from thence through Highworth to the Cricklade Turnpike-road, in the County of Wilts, and the Bridge of the said Roads across the River Isis or Thames, at or near the Town of Lechlade aforesaid; and for granting a further Term in the said Roads and Bridge; and for other Purposes.

CAP. cv.

An Act to amend an Act passed in the seventh Year of the Reign of King George the Fourth, intituled "An Act for making a Turnpike-road from Shipley to Bramley, together with certain Branches therefrom, in the West Riding of the County of York."

CAP. cvi.

An Act to authorise the London Dock Company to make a new Entrance to their Docks from the River Thames, and other Works, and to augment their Capital Stock; and for other Purposes connected with the said Docks.

CAP. cvii.

An Act for the Maintenance of the existing Works of the Company of Proprietors of the Barnsley Waterworks, and for the Purchase of Lands by them, to repeal their Act, and make other Provisions in lieu thereof.

CAP. cviii.

An Act to enable the Midland Railway Company to make a Line of Railway from near Leicester to the Great Northern Railway near Hitchin, with a Branch, in lieu of the Line of Railway and Branches authorised by the Midland Railways Extension to Hitchin, Northampton, and Huntingdon Railway Act, 1847, and the Midland Railways Extension to Hitchin, Northampton, and Huntingdon Railway (Wellingborough Deviations) Act, 1848.

CAP. cix.

An Act to authorise the Re-issue of certain of the Shares in the Capital of the York and North Midland Railway Company, called "Hull and Selby Purchase, &c. Shares;" and for other Purposes.

CAP. cx.

An Act to enable the London and North-western Railway Company to acquire and hold certain Lands and Buildings at or near the Terminus of the Haydon-square Branch of the London and Blackwall Railway; and for other Purposes.

CAP. cxii.

An Act to enable the Leeds, Bradford, and Halifax Junction Railway Company to construct certain Branch Railways in the West Riding of the County of York; and for other Purposes.

CAP. cxiii.

An Act to repeal the Act for repairing the Alston Turnpike-roads, and to make other Provisions in lieu thereof.

CAP. cxiiii.

An Act for making a Railway from the Great Southern and Western Railway near Roscrea to Parsonstown, to be called "The Roscrea and Parsonstown Junction Railway;" and for other Purposes.

CAP. cxiv.

An Act to authorise the Abandonment of a Portion of the Undertaking of the Limerick, Ennis, and Killaloe Junction Railway Company, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; and to revive, in respect of a Portion of the said Under-

taking, the Powers of the said Company for the compulsory Purchase of Lands; and to extend, in respect of the same Portion of the said Undertaking, the Powers of the said Company for constructing Works; and to amend and repeal Portions of the Act relating to the said Company; and for other Purposes.

## CAP. cxv.

An Act for the better Maintenance and Repair of the Highways in Wildmore Fen and the East and West Fens in the County of Lincoln, and for other Purposes, and of which the Short Title is, "The Wildmore Fen and East and West Fens Highways Act, 1853."

## CAP. cxvi.

An Act for reviving the Powers of the South-eastern Railway Company for taking Lands and Buildings for the Purpose of enlarging their London-bridge Station on the North Side thereof, and for extending for a further Period such Powers; and for other Purposes.

## CAP. cxvii.

An Act to enable the Eastern Counties Railway Company to construct Branch Railways from the North Woolwich Line of the Eastern Counties Railway to Ham Creek and the River Thames; and for other Purposes.

## CAP. cxviii.

An Act for more effectually improving the Town of Burton-upon-Trent, in the County of Stafford.

## CAP. cxix.

An Act to authorise the Abandonment of the Carlisle Canal, and the making of a Railway in lieu thereof, from the Newcastle-upon-Tyne and Carlisle Railway at Carlisle to Port Carlisle; to repeal the Acts relating to the Carlisle Canal and Docks, and to re-incorporate the Company; to authorise the raising of a further Sum of Money; and to confer additional Powers; and for other Purposes.

## CAP. cxx.

An Act to alter and amend the Provisions of the Governor and Company of Copper Miners Act, 1851, and to confer further Powers on the said Company.

## CAP. cxxi.

An Act to enable the South-eastern Railway Company to extend the Reading, Guildford, and Reigate Railway to the Great Western Railway at Reading; and for other Purposes.

## CAP. cxxii.

An Act to enable the Warrington and Altrincham Junction Railway Company to extend their Railway to Stockport.

## CAP. cxxiii.

An Act for incorporating and regulating the Electric Telegraph Company of Ireland, and for better enabling the Company to establish and work Telegraphs in Scotland and Ireland, and between those Countries; and for other Purposes.

## CAP. cxxiv.

An Act for making a Railway from Spalding to Sutton Bridge and Wisbeach.

## CAP. cxxv.

An Act for making a Railway commencing by a Junction with the Scottish Central Railway at Stirling, and terminating by a Junction with the Caledonian and Dumbartonshire Junction Railway at Alexandria, to be called "The Forth and Clyde Junction Railway."

## CAP. cxxvi.

An Act for making Turnpike-roads from Upton St. Leonards to Brimsfield and Birdlip, in the County of Gloucester.

## CAP. cxxvii.

An Act for enabling the Local Board of Health for the District of Dewsbury to construct Waterworks; and for other Purposes.

## CAP. cxxviii.

An Act to authorise the opening of a Diversion of the Wakefield and Sheffield Turnpike-road; and for other Purposes.

## CAP. cxxix.

An Act for the Improvement of the Harbour of St. Ives, in the County of Cornwall.

## CAP. cxxx.

An Act to enable the South-eastern Railway Company to make a Railway from Strood to Maldstone; and for other Purposes.

## CAP. cxxxi.

An Act to authorise the Construction of additional Docks and other Works in connexion with the Victoria (London) Docks, and to consolidate and amend the Provisions of the Act relating to such Docks.

## CAP. cxxxii.

An Act for making a Railway from Strood to Canterbury, with Branches to Faversham Quays and Chilham.

## CAP. cxxxiii.

An Act for supplying with Water the Inhabitants of Walsall, Dudley, and other Places in the Southern Parts of the County of Stafford, and in certain Parts of the County of Worcester adjacent thereto.

## CAP. cxxxiv.

An Act to enable the St. Helen's Canal and Railway Company to extend their Railway to Rainford, and to enlarge their Stations at Sutton; and for other Purposes relating to the Company.

## CAP. cxxxv.

An Act for more effectually repairing and improving several Roads leading to and from the Town of Salford, through Pendleton and other Places in the County Palatine of Lancaster.

## CAP. cxxxvi.

An Act for enabling the Leeds Northern Railway Company to create new Shares, and raise Money on Loan for discharging certain Liabilities; and for other Purposes.

## CAP. cxxxvii.

An Act for making a Railway from Bedale to Leyburn, in the North Riding of the County of York, to be called "The Bedale and Leyburn Railway," and for other Purposes, and of which the Short Title is, "The Bedale and Leyburn Railway Act, 1853."

## CAP. cxxxviii.

An Act for the Adjustment of the Debts of the Commissioners of the Holme Reservoirs, and of the Interest due thereon, and for enabling them to restore and repair their Reservoir; and for other Purposes.

## CAP. cxxxix.

An Act for paving, lighting, watching, draining, supplying with Water, cleansing, regulating, and otherwise improving the Town and Parish of Spalding, in the County of Lincoln; for making a Cemetery; for erecting a Corn Exchange and Market House therein; and for other Purposes.

## CAP. cxi.

An Act for making a Railway from the North Devon Railway at Fremington Pill to Bideford, to be called "The Bideford Extension Railway."

## CAP. cxli.

An Act for the better paving, repairing, lighting, cleansing, watering, regulating, and improving such Parts of the Parish of St. Mary, Whitechapel, in the County of Middlesex, as are not within the Liberties of her Majesty's Tower of London and the City of London; and for paving, repairing, watering, and regulating certain Parts of other Parishes and Places adjoining; and for removing and preventing Nuisances, Annoyances, and Obstructions therein; and for raising Money for the Relief, Maintenance, and Employment of the Poor within the said Parish; and for raising Money for repairing the Church of the said Parish.

## CAP. cxlii.

An Act to enable the Great Southern and Western Railway Company to divert the Glanmire Road Lower, in the Parish of St. Anne's Shandon, in the County of the City or Borough of Cork, and to make a small Portion of Railway in that Parish; and for other Purposes.

## CAP. cxliii.

An Act for making a Railway from Llanidloes, in the County of Montgomery, to Newtown, in the same County, to be called "The Llanidloes and Newtown Railway;" and for other Purposes.

## CAP. cxliv.

An Act to enable the Waveney Valley Railway Company to extend their Railway from Bungay to Beccles.

## CAP. cxlv.

An Act for altering and extending the Line of the Barnsley Branch of the Manchester, Sheffield, and Lincolnshire Railway Company; for extending the Time for the Completion of certain Works at Sheffield; for amending the Acts relating to the said Company; and for other Purposes.

## CAP. cxlvi.

An Act for amending the Acts relating to the Llynvi Valley Railway Company, and for authorising the Company to make Diversions in and improve their Line of Railway, and construct a new Branch; and for better regulating the Harbour of Porth Cawl, and the Rates leviable thereat; and for other Purposes.

## CAP. cxlvii.

An Act to repeal the Act relating to the Nantwich and Woore Turnpike-road, and to make other Provisions in lieu thereof.

## CAP. cxlviii.

An Act to authorise the Extension of the Railway already partly executed between Smithstown and Dahnellington, in the County of Ayr, to Dahnellington, and to the Glasgow and South-western Railway, near Ayr.

## CAP. cxlix.

An Act to enable the Caledonian Railway Company to extend the Glasgow, Barrhead, and Neilston Direct Railway to Crofthead; and for other Purposes.

## CAP. cl.

An Act for confirming a certain Agreement entered into between the Furness Railway Company and John Abel Smith, Esq.; and for enabling the Furness Railway Company to raise a further Sum of Money; and for authorising the Conversion of the borrowed and Preferential Share Capital of the Furness Railway Company into a Stock not exceeding 4l. 10s. per Cent.; and for amending the Acts relating to the said Company and Pile Pier.

## CAP. cli.

An Act to enable the Edinburgh and Glasgow Railway Company to connect their Line at Glasgow by Branches with the Caledonian Railway, and to extend their Station at Cowairs.

## CAP. clii.

An Act to sanction certain Arrangements between the Edinburgh, Perth, and Dundee Railway Company, and certain Classes of the Creditors thereof.

## CAP. cliii.

An Act for enabling the Great Western Railway Company to construct additional Lines and Works, or for conferring further Powers on them in reference to the Henley and Uxbridge Lines, and other Parts of their Undertaking at Acton, Chippengham, and Reading; and for other Purposes.

## CAP. cliv.

An Act for incorporating the Lands Improvement Company, and to afford Facilities for the Improvement of Land by enabling the Company to issue transferable Mortgage Debentures.

## CAP. clv.

An Act for making a Railway from the Town of St. Ives to the West Cornwall Railway, at or near St. Erth, with a Branch therefrom, and for making Arrangements with the West Cornwall Railway Company.

## CAP. clvi.

An Act for dissolving the Canterbury and Whitstable Railway Company, and for vesting in the South-eastern Railway Company the Undertaking of the South-eastern and Continental Steam-packet Company, and for other Purposes, and of which the Short Title is, "The South-eastern Railway (Canterbury and Whitstable and Steam-packets) Act, 1853."

## CAP. clvii.

An Act for conferring additional Powers on the London and North-western Railway Company with reference to the Construction of their Oldham Branch, and for making an Alteration in such Branch; and for other Purposes.

## CAP. clviii.

An Act for the Purchase of the Bridge and Ferry over the River of Ross, at the Town of New Ross, and for maintaining the same free of Toll; and for other Purposes.

## CAP. clix.

An Act for repealing and amending an Act passed in the thirteenth and fourteenth Years of the Reign of her present Majesty, called "The British Electric Telegraph Company's Act, 1850."

## CAP. clix.

An Act to enable the London and North-western Railway Company to construct a Railway from Northampton to Market Harborough, with a Branch therefrom, all in the County of Northampton; and for other Purposes.

## CAP. clii.

An Act to enable the London and North-western Railway Company to construct a Branch Railway to St. Albans; and for other Purposes.

## CAP. clii.

An Act to repeal the Acts for repairing the Roads from West Harptry to the Bath and Wells Turnpike-road at Marksbury, and other Roads therein mentioned, in the County of Somerset, and to make other Provisions in lieu thereof.

## CAP. cliii.

An Act to enable the East Lancashire Railway Company to extend their Railway to Rainford, to enter into Arrangements with the St. Helen's Canal and Railway Company, and to convert their Mortgage Debt into Annuities.

## CAP. clxiv.

An Act for amending the Acts passed for the Construction of the Basingstoke and Salisbury Railway, and for other Purposes, and of which the Short Title is, "The London and South-western Railway (Basingstoke and Salisbury) Act, 1853."

## CAP. clxv.

An Act for authorising Arrangements for the Completion of the Birkenhead Docks.

## CAP. clxvi.

An Act for enabling the East London Waterworks Company to improve their Supply of Water; and for other Purposes.

## CAP. clxvii.

An Act for the Improvement of the Borough of Halifax, and for other Purposes, and of which the Short Title is, "The Halifax Improvement Act, 1853."

## CAP. clxviii.

An Act for making a Railway from Limerick to Foynes.

## CAP. clxix.

An Act for enabling the Llanelly Railway and Dock Company to make new Railways, and for other Purposes, and of which the Short Title is, "The Llanelly Railway and Dock Act, 1853."

## CAP. clxx.

An Act to repeal the Acts relating to the Ribble Navigation Company, of the 1 Vict. c. viii, and of the 7 Vict. c. i, and some of the Provisions of the 8 & 9 Vict. c. cxvi, which relate to the Company, and to make other Provisions in lieu thereof respectively; and to grant further Powers to the Company for the Construction of Works, for providing Quays, for raising Capital, for levying Tolls, for regulating the Disposition of the reclaimed Lands; and for other Purposes.

## CAP. clxxi.

An Act to enable the Whitehaven and Furness Junction Railway Company to make Branch Railways; and for other Purposes.

## CAP. clxxii.

An Act to enable the Blyth and Tyne Railway Company to construct Branches in the County of Northumberland; and for other Purposes.

## CAP. clxxiii.

An Act for constructing and maintaining Docks and other Works at or near to Milford Haven; and for other Purposes.

## CAP. clxxiv.

An Act for making a Railway from Enniskillen to Sligo, with a Branch therefrom.

## CAP. clxxv.

An Act for providing additional Station Accommodation at Birmingham in connexion with the Birmingham and Oxford Junction Railway; and for enabling the Great Western Railway Company to use a Portion of the Oxford, Worcester, and Wolverhampton Railway; and for making better Provision with reference to the joint Station at Wolverhampton; and for other Purposes.

(To be continued).

## London Gazettes.

FRIDAY, NOVEMBER 4.

## BANKRUPTS.

MICAH MELLOR, Clare, Suffolk, innkeeper, dealer and chapman, Nov. 11 at 12, and Dec. 15 (and not November, as before advertised) at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Sams, Clare, Suffolk; Reed & Co., Friday-street.—Petition filed Oct. 23.

FRANCIS BUSBY, Cambridge, common brewer, Nov. 18 at 11, and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Wright & Kingsford, Essex-street, Strand.—Petition filed Oct. 26.

WILLIAM WARRINGTON the elder, Upper Berkeley-street West, Hyde-park-square, Middlesex, stainer in glass, painter and glazier, and dealer in pictures, dealer and chapman, Nov. 18 and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Randall & Richards, 8, Castle-street, Holborn.—Petition filed Nov. 1.

GEORGE TURNER, St. George's-place, North Brixton, and Wandsworth, Surrey, baker, Nov. 15 at half-past 12, and Dec. 15 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Hilleary, Fenchurch-street.—Petition filed Oct. 28.

RICHARD BAILEY the younger, Hastings, Sussex, tailor and draper, Nov. 17 at half-past 1, and Dec. 13 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Yonge, 154, Strand, London.—Petition filed Nov. 1.

FRANCIS TURFREY, Abergavenny, Monmouthshire, brewer, dealer and chapman, Nov. 15 and Dec. 13 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Hellings, Bath; Westmacott & Co., Bedford-row, London.—Petition filed Oct. 20.

RICHARD WILSON and JOHN SEATON WILSON, Kingston-upon-Hull, stone and marble masons and builders, (trading under the style or firm of Richard Wilson & Son), Nov. 16 and Dec. 14 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Shackles & Son, Kingston-upon-Hull.—Petition filed Nov. 2.

## MEETINGS.

John Clark, Oxford, livery-stable keeper, Nov. 15 at 2, Court of Bankruptcy, London, last ex.—George Hunter,

Leeds, Yorkshire, manufacturing chemist, Nov. 28 at 11, Court of Bankruptcy, London, aud. ac. and fin. div.; at 12, last ex.—Charles Gahagan, Paddington-green, Middlesex, coach builder, Nov. 16 at 12, Court of Bankruptcy, London, aud. ac.—Wm. Hitchman, Glastonbury, Somersetshire, surgeon, Nov. 25 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Wm. Williams, Pentwyn, Gwynos, and Pontnewydd, Monmouthshire, iron manufacturer, Nov. 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Richard Caldecott, Cardiff, Glamorganshire, grocer, Nov. 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Edward Progers, Ludlow, Shropshire, banker, Dec. 5 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—E. Brock, Sackville-street, Piccadilly, Middlesex, tailor, Nov. 29 at 11, Court of Bankruptcy, London, div.—Joseph Cerrito, Mincing-lane, London, merchant, Dec. 1 at 12, Court of Bankruptcy, London, fin. div.—Thomas Brookes, Banbury, Oxfordshire, printer, Dec. 1 at 12, Court of Bankruptcy, London, div.—Robert C. R. Cogg, St. George's-terrace, Islington, Middlesex, merchant, Nov. 26 at 1, Court of Bankruptcy, London, div.—Robert Shelton, Wellington, Shropshire, saddler, Nov. 14 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 26 at 10, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Thos. Pool, Princes-road, Notting-hill, Middlesex, builder, Nov. 29 at 2, Court of Bankruptcy, London.—J. Williams, Lower Wookey Mills, near Wells, Somersetshire, paper maker, Nov. 30 at 12, District Court of Bankruptcy, Bristol.—E. Bullock Watts, Yeovil, Somersetshire, auctioneer, Dec. 15 at 1, District Court of Bankruptcy, Exeter.—George W. Mortimer, Bury, Lancashire, silk dyer, Nov. 25 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

Nathaniel B. Pierpoint, Little Pulteney-street, Golden-square, Middlesex, surgeon.—John W. Haylock, Lawrence-street, Chelsea, Middlesex, licensed victualler.—James Kelle, Riches-court, Lime-street, London, merchant.—Charles Hall, Orchard-street, Portman-square, Middlesex, builder.—Benjamin Collett, Sise-lane, London, and Bridge-house, Hendon, Middlesex, dealer in mining shares.—Kate Hynes, St. Thomas-the-Apostle, Devonshire, dealer in marine stores.—J. Cornish, Tiverton, Devonshire, grocer.—Francis Rave, Bury, Lancashire, silk dyer.—Richard Otley and Thos. Otley, Sheffield, Yorkshire, and Addle-hill, London, manufacturers of Britannia metal wares.

## PARTNERSHIP DISSOLVED.

Joseph Robert Wilton, William Blackman, and Augustus George Guy, Raymond's-buildings, Gray's-inn, Middlesex, attorneys and solicitors, (so far only as regards the said Joseph Robert Wilton).

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

George Henshall, Altrincham, Cheshire, builder, Nov. 18 at 10, County Court of Staffordshire, at Walsall.—Edward Bird, Birmingham, clerk in the Birmingham General Post-office, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—Henry Boden, Birmingham, military gun finisher, Nov. 12 at 10, County Court of Warwickshire, at Birmingham.—William Holmes, Newcastle-upon-Tyne, eating-house keeper, Nov. 24 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—Robert Wheatley, Newcastle-upon-Tyne, warehouseman, Nov. 24 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—J. Dale, Selby, Yorkshire, beer seller, Nov. 10 at 10, County Court of Yorkshire, at Selby.—Joseph Parrock the younger, Kingswinford, Staffordshire, millwright, Nov. 25 at 9, County Court of Worcestershire, at Dudley.—W. Pote, Wolverhampton, Staffordshire, jeweller, Nov. 22 at 9, County Court of Staffordshire, at Wolverhampton.—Thomas Lowe, Wolverhampton, Staffordshire, boat loader, Nov. 22 at 9, County Court of Staffordshire, at Wolverhampton.—George Callear, Portobello, Staffordshire, out of business, Nov. 22 at 9, County Court of Staffordshire, at Wolverhampton.—George Knock Onions, Wolverhampton, Staffordshire, out of business, Nov. 22 at 9, County Court of Staffordshire, at Wolverhampton.—Francis Taylor, Pen-



wood, near Wolverhampton, Staffordshire, cowkeeper, Nov. 22 at 9, County Court of Staffordshire, at Wolverhampton.—*John Evans*, Wolverhampton, Staffordshire, publican, Nov. 22 at 9, County Court of Staffordshire, at Wolverhampton.—*G. N. Gibbons*, Chester, banker's clerk, Nov. 8 at 11, County Court of Cheshire, at Chester.—*E. West*, Tivetshall St. Margaret, near Long Stratton, Norfolk, carter, Nov. 14 at 1, County Court of Norfolk, at Harleston.—*W. Last*, Stowmarket, Suffolk, publican, Nov. 22 at 11, County Court of Suffolk, at Stowmarket.—*H. Keer* the elder, Parham, Suffolk, farmer, Nov. 19 at 10, County Court of Suffolk, at Woodbridge.—*Edward Drake*, Barton Mills, Suffolk, horse dealer, Nov. 26 at 11, County Court of Suffolk, at Mildenhall.—*Edward Berkway*, Diss, Norfolk, gardener, Nov. 25 at 11, County Court of Suffolk, at Eye.—*Charles Wellington Hill Mummery*, Canterbury, Kent, grocer, Nov. 17 at 11, County Court of Kent, at Canterbury.—*Wm. Clinch*, Cirencester, Gloucestershire, cooper, Nov. 24 at 11, County Court of Gloucestershire, at Cirencester.—*Jas. Simpson*, Eydon, Northamptonshire, carpenter, Nov. 21 at 10, County Court of Northamptonshire, at Brackley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 21 at 10, before the CHIEF COMMISSIONER.*

*John Slade*, Stratford, Essex, tailor.—*George Good*, Little Russell-st., Covent-garden, Middlesex, out of business.

*Nov. 23 at 10, before the CHIEF COMMISSIONER.*

*David Kidd*, Eltham-st., Lock's-fields, Walworth, Surrey, pensioner from Bethlem Hospital, Surrey.—*Sarah Morgan*, spinster, Clayton-road, High-st., Peckham, Surrey, following no trade.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 18 at 10, before the CHIEF COMMISSIONER.*

*Solomon Jacobs*, Fitzroy-place, Henry-street, Hampstead-road, Middlesex, out of business.

*Nov. 18 at 11, before Mr. Commissioner MURPHY.*

*Wm. Baynes Netherwood*, Werrington-st., Oakley-square, Middlesex, retired officer from the military service of the Hon. East India Company.—*Hervey John Jacquet*, Stanhope-st., Hampstead-road, and Albert-terrace, Barnsbury-road, Islington, Middlesex, watch manufacturer.

*Nov. 21 at 10, before the CHIEF COMMISSIONER.*

*Wm. Smith*, Goodge-st., Tottenham-court-road, Middlesex, butcher.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*George D. Robinson*, Manchester, licensed victualler, No. 77,072; *Harry W. Barnes*, assignee.—*John Hartley*, Liverpool, out of business, No. 77,090; *John Smith*, assignee.—*George Calcraft*, Manchester, licensed victualler, No. 77,101; *Wm. Trood*, assignee.—*Geo. W. Heap*, Godley-green, near Ashton-under-Lyne, out of business, No. 77,107; *J. Allen*, assignee.—*John Barlow*, Manchester, porter brewer, No. 77,133; *Thomas Rogerson*, assignee.—*Robert Boswell Reed*, Ayrwood, near Bury, out of business, No. 77,156; *Joseph Smethurst*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Nov. 18 at 10.*

*John Pearson*, Manchester, cloth agent.—*S. Whittaker*, Manchester, furniture broker.—*James Sherratt*, Standish, near Wigan, manager to a colliery.—*Wm. Sim*, Liverpool, out of business.—*S. Jackson*, Prestwich, near Manchester, warehouseman.—*Peter Hutchinson*, Leyland, near Preston, veterinary surgeon.—*Thomas Cunliffe*, Booth-fold, near Newchurch, out of business.—*William Child*, Oldham, out of business.—*Thomas Hobson*, Manchester, out of business.—*E. Crompton*, Manchester, out of business.—*James Townley*,

Great Horrocks, near Redbank, Manchester, provision-shop keeper.—*Roger Gartside*, Cock Brook, near Ashton-under-Lyne, blacking manufacturer.—*T. Emmott*, Blackburn, confectioner.—*John Howard*, Hulme, Manchester, bookkeeper.—*Edw. Kenworthy*, Staleybridge, out of business.—*Wm. Sykes*, Morecombs, near Lancaster, out of business.—*Joseph H. Higginbotham*, Hulme, Manchester, grocer.—*T. Murta*, Liverpool, sack manufacturer.

*At the County Court of Cambridgeshire, at CAMBRIDGE, Nov. 18 at 10.*

*Jonathan G. Gunton*, Cambridge, butcher.

*At the County Court of Warwickshire, at WARWICK, Nov. 21 at 10.*

*Jane Jenkins*, Birmingham, out of business.—*Daniel A. E. James*, Coventry, retail brewer.

*At the County Court of Yorkshire, at YORK, Nov. 21.*

*Wm. Rockliff*, Boston Spa, near Tadcaster, smith.—*Joshua Craven*, Leeds, corn dealer.—*Wm. Yates Knight*, Sheffield, merchant's clerk.—*John Foster*, Holme-upon-Spalding-moor, farmer's servant.—*Thomas Taylor*, Dudley-hill, near Bradford, out of business.—*Wm. Iredale*, Doncaster, out of business.—*Michael Wilson*, Huddersfield, innkeeper.—*Richard Sykes*, Mirfield, near Dewsbury, butcher.—*James Kemp*, Leeds, out of business.—*Jonathan Woolley*, Leeds, out of business.—*Mary Ann Graham*, Bradford, flock dealer.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Nov. 24 at 10.*

*John Hobson*, Newcastle-upon-Tyne, assistant shopman.

MEETING.

*J. H. C. Russell*, Nov. 21 at 12, at Kennett's, 106, Fenchurch-street, London, sp. aff.

## TUESDAY, NOVEMBER 8.

### BANKRUPTS.

**GEORGE FREDERICK LA SERRE**, Bank-chambers, Lothbury, London, stockbroker, dealer and chapman, Nov. 17 at 11, and Dec. 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Dale, 8, Fumival's-inn.—Petition filed Oct. 27.

**JOHN TAYLOR** the younger, formerly of Woolwich, but now of Charlton, Kent, builder, dealer and chapman, Nov. 18 at 11, and Dec. 23 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Colquhoun, Woolwich, Kent.—Petition filed Nov. 3.

**WALTER COBBETT**, late of Bear-gardens, Surrey, plumber and lead merchant, dealer and chapman, carrying on trade with Andrew Clark, under the style or firm of Andrew Clark & Cobbett, residing at Stamford-street, Blackfriars, Surrey; afterwards at Grosvenor-street, Camberwell-road, Surrey; afterwards at Sunbury, Middlesex; now a prisoner for debt in the Queen's Bench Prison, Nov. 21 at 2, and Dec. 15 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Mayhew, 26, Carey-street, Lincoln's-inn, London.—Petition filed Nov. 3.

**JOHN CLAPHAM FAWCETT**, York, draper and milliner, Nov. 18 at 1, and Dec. 17 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Heather, 17, Pater-noster-row, London.—Petition dated Oct. 22.

**JOSEPH BAXTER**, Birmingham, builder, dealer and chapman, Nov. 22 and Dec. 14 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Wood, Birmingham.—Petition dated Nov. 4.

**RICHARD TREDINNICK**, Haymarket, Middlesex, mining broker, dealer in shares, dealer and chapman, Nov. 19 at 12, and Dec. 17 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Cox, Finner's-hall, Old Broad-street, London.—Petition dated Nov. 3.

**JOHN COLLINS**, Beccles, Suffolk, plumber and glazier, Nov. 18 at half-past 11, and Dec. 24 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Bohun & Rix, Beccles; Burn, 14, Great Carter-lane, Doctors'-commons.—Petition dated Oct. 27.

**EDMUND LEWTY**, Stourport, Worcestershire, iron merchant, dealer and chapman, Nov. 23 and Dec. 14 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Elgie, Worcester; Hodgson, Birmingham.—Petition dated Nov. 5.

**TRYPHENA TAYLOR**, Derby, innkeeper, dealer and chapman, Nov. 18 and Dec. 9 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Smith, Derby; Reece, Birmingham.—Petition dated Nov. 4.

**THOMAS MINNITT**, Mansfield, Nottinghamshire, seed merchant, dealer and chapman, Nov. 18 and Dec. 9 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Hodgson, Birmingham; Willmott, 82, High-street, Southwark, Surrey.—Petition dated Nov. 2.

**JOHN KER**, Gloucester, draper, dealer and chapman, Nov. 22 and Dec. 20 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Pridaux, Bristol; Catlin, 22, Ely-place, Holborn.—Petition filed Nov. 1.

**ALEXANDER BROWN** and **ROBERT GLASS**, Liverpool, ship chandlers and ship store dealers, (carrying on business under the firm of Brown, Glass, & Co.), Nov. 17 and Dec. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Littledale & Bardswell, Liverpool.—Petition filed Oct. 29.

**JAMES FISH**, Helmsore, near Haslingden, Lancashire, cotton manufacturer, dealer and chapman, (lately carrying on business under the name or firm of Fish & Taylor), Nov. 21 and Dec. 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Beverley, Enfield, near Accrington; Atkinsons & Co., Manchester.—Petition filed Oct. 28.

#### MEETINGS.

*Mary Glascock, Geo. M. Glascock, and Thos. Townsend Glascock*, Great Garden-street, Whitechapel-road, Middlesex, copper merchants, Nov. 22 at 11, Court of Bankruptcy, London, pr. d.—*Richard Parker*, Anderton, Cheshire, salt manufacturer, Nov. 22 at 2, Court of Bankruptcy, London, ch. ass.—*John Combes*, Manchester, ironmonger, Nov. 18 at 12, District Court of Bankruptcy, Manchester, last ex.—*Charles William Mathews*, Woolwich, Kent, butcher, Nov. 23 at 12, Court of Bankruptcy, London, and. ac.—*William Rhodes*, Aldersgate-street, London, grocer and tea dealer, Nov. 23 at 12, Court of Bankruptcy, London, and. ac.—*Henry Hunt*, Heaton Norris, Lancashire, paper manufacturer, Nov. 18 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 18 at 12, div.—*Wm. Hawkins*, Heage, Derbyshire, seedsman, Nov. 18 at 10, District Court of Bankruptcy, Nottingham, and. ac.—*C. S. Flood* and *H. B. Lott*, Honiton, Devonshire, bankers, Nov. 18 at 1, District Court of Bankruptcy, Exeter, and. ac., and Dec. 8 at 1, div. sep. est. of *C. S. Flood*.—*J. T. Coulthred* the younger and *W. Dyer*, Lombard-street, Union-street, Southwark, Surrey, white-lead makers, Dec. 6 at 11, Court of Bankruptcy, London, div.—*Wm. Martin*, Hertfordbridge, Elvetham, Southampton, smith, Dec. 1 at 11, Court of Bankruptcy, London, div.—*James Spencer Gorely*, Ewell, Surrey, farmer, Nov. 22 at 11, Court of Bankruptcy, London, div.—*Joseph Beaumont*, Leman-street, Whitechapel, Middlesex, engineer, Nov. 29 at half-past 11, Court of Bankruptcy, London, fin. div.—*Henry A. Douglas*, *John Anderson*, and *Samuel Anderson*, Old Broad-street, London, merchants, Nov. 29 at half-past 1, Court of Bankruptcy, London, div.—*George Bowles* and *J. P. Pocklington*, Newgate-street, London, and Gratton-cottage, Hornsey-road, Middlesex, meat salesmen, Nov. 29 at 1, Court of Bankruptcy, London, div. sep. est. of *G. Bowles*.—*Henry Bates* and *Chas. Hitchman*, Adde-street, London, and Bristol and Birmingham, straw plait dealers, Nov. 29 at 2, Court of Bankruptcy, London, div.—*Edward Parker*, Cheapside, London, and Chadwell-street, St. John-street-road, Middlesex, stationer, Dec. 5 at 11, Court of Bankruptcy, London, div.—*W. Hanson*, Albion-wharf, Kensington Canal-basin, Warwick-road, Kensington, Middlesex, stationary, Dec. 5 at 12, Court of Bankruptcy, London, div.—*George Davis* the younger, Lawrence-lane, London, and Burton Mills, Burton Latimer, and Isham Mills, Isham, Northamptonshire, worsted spinner, Dec. 6 at 12, Court of Bankruptcy, London, fin. div.—*Wm. J. Kerridge*, Deptford, Kent, cheesemonger, Dec. 1 at 1, Court of Bankruptcy, London, div.—*E. Emerson* and *B. Fenwick*, Stella, Durham, and Newcastle-upon-Tyne, ironfounders, Dec. 2 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. of *B. Fenwick*.—*Wm. Webb Dunn* and *W. Keene*, Bath, Somersetshire, *Henry B. Marriot*, Llanganoyd, Glamorganshire, and *S. B. Wearing*, Bristol, brewers, Dec. 1 at 11, District Court of Bankruptcy, Bristol, fin. div. sep. est. of *Wm. Keene*.—*Edward Hilton* and *Nathaniel Walsh*, Over Darwen, Lancashire, paper makers, Nov. 29 at 12, District

Court of Bankruptcy, Manchester, div.—*J. Close* the elder, *Thomas Close*, and *Solomon Reinhold*, Manchester, merchants, Nov. 29 at 12, District Court of Bankruptcy, Manchester, div.—*Jonathan Higginson* and *Richard Deane*, Liverpool, merchants, Nov. 30 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Rhodes*, Aldersgate-street, London, tea dealer, Nov. 30 at 2, Court of Bankruptcy, London.—*Charles H. Simons*, Bishopsgate-street, London, provision dealer, Dec. 1 at 11, Court of Bankruptcy, London.—*Joseph B. Hignett*, Liverpool, commission agent, Dec. 1 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Rainford*, Liverpool, upholsterer, Nov. 30 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*James Wm. Hendy*, Portsmouth, Southampton, builder.—*Henry A. Driver*, Moorgate-street, London, stationer.—*Geo. Dexter*, Egham, Surrey, corn dealer.—*Thomas Balmer*, Abbey-street, Bermondsey, Surrey, engineer.—*William Winter*, Hawkhurst, Kent, builder.—*John B. Blythe*, Minerva-place, New-cross, Surrey, builder.—*Wm. Jones*, Kentish-building, Southwark, Surrey, and Rood-lane, London, hop merchant.—*D. Dauglinson*, Newcastle-upon-Tyne, licensed victualler.

#### PETITION ANNULLLED.

*Robert Wyburn*, Taunton, Somersetshire, cabinet maker.

#### PARTNERSHIPS DISSOLVED.

*Thomas Davenport* and *Thos. B. Collier*, Liverpool, attorneys-at-law and solicitors, (the said T. Davenport retiring from practice).—*Wm. O. Tucker*, *Wm. O. J. Tucker*, and *John Tucker*, Sun-chambers, Threadneedle-street, London, stories and solicitors, (carrying on business under the firm of Tucker & Sons), so far as relates to the said *Wm. O. Tucker*.

#### SCOTCH SEQUESTRATION.

*Alexander Milne*, Edinburgh, spirit merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Radford*, Talaton, Devonshire, baker, Nov. 23 at 10, County Court of Devonshire, at Honiton.—*Henry Reed*, Ottery St. Mary, Devonshire, baker, Nov. 23 at 10, County Court of Devonshire, at Honiton.—*Robert Platts*, Cheltenham, Derbyshire, wheelwright, Nov. 26 at 12, County Court of Derbyshire, at Derby.—*James Burston*, Derby, grocer, Nov. 26 at 12, County Court of Derbyshire, at Derby.—*Thomas Brooks*, Lichfield, Staffordshire, general dealer, Nov. 15 at 10, County Court of Staffordshire, at Lichfield.—*William East*, Great Marlow, Buckinghamshire, pig dealer, Nov. 15 at 11, County Court of Buckinghamshire, at High Wycombe.—*Humphrey Humphreys*, Scrwgan, Llangedwin, Denbighshire, shoemaker, Nov. 26 at 10, County Court of Montgomeryshire, at Llanfyllin.—*Peter Holland*, Weston, Wybanbury, Cheshire, small farmer, Nov. 24 at 11, County Court of Cheshire, at Nantwich.—*Samuel Simmonds*, Arundel, Sussex, shoemaker, Nov. 26 at 10, County Court of Sussex, at Arundel.—*Richard Garner*, Altrincham, Cheshire, butcher, Nov. 16 at 10, County Court of Cheshire, at Altrincham.—*Edo. Maddox*, Shrewsbury, Shropshire, auctioneer's clerk, Nov. 22 at 10, County Court of Shropshire, at Shrewsbury.—*John Kent*, Hillhouse, Huddersfield, Yorkshire, paper dealer, Nov. 21 at 10, County Court of Yorkshire, at Huddersfield.—*Nathaniel Harries*, Merthyr Tydfil, Glamorganshire, blacksmith, Nov. 17 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Theophilus Evans*, Penyarden, Merthyr Tydfil, Glamorganshire, haulier, Nov. 17 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Evan Davies*, Rhymney, Gellygare, Glamorganshire, blacksmith, Nov. 17 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*David Williams*, Merthyr Tydfil, Glamorganshire, collier, Nov. 17 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*David Roberts*, Penyarden, Merthyr Tydfil, Glamorganshire, haulier, Nov. 17 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Eliza Holland*, Weston, Wybanbury, Cheshire, in no trade, Nov. 24 at 11, County Court of Cheshire, at Nantwich.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 3 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Warman*, Clare Hall-row, Stepney-green, Mile-end-road, Middlesex, cooper.—*John Oakley*, Berwick-st., Soho, Middlesex, boot maker.—*Robert Wm. Warner*, Euston-place, Euston-square, Middlesex, in no trade.—*Benj. Gooden*, Aldenham-terrace, Old St. Pancras-road, Middlesex, paper-hanger.—*Charles Nash*, Wilson-street, Finsbury, Middlesex, joiner.

*Saturday, Nov. 5.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Davis*, Uckingham, Ripple, Worcestershire, dealer in cattle, No. 77,050 C.; *John Gough*, assignee.—*Thos. Dale*, Manchester, tallow chandler, No. 76,807 C.; *Thomas Croft*, assignee.—*Isaac Simon*, Denbigh, Denbighshire, stationer, No. 76,891 C.; *Thos. Sheffer* and *John Bradshaw*, assignees.—*James Joyner*, Burford, Oxfordshire, out of business, No. 77,116 C.; *Joseph Collis*, assignee.—*George Woolley Heap*, Godley Green, near Ashton-under-Lyne, Lancashire, out of business, No. 77,107 C.; *James Allen*, assignee.—*Thomas Wilkinson*, Sunderland, Durham, agent for the sale of flour, No. 76,901 C.; *Sebastian Henderson*, assignee.—*T. Cooke*, Hillhouse, near Ferryhill, Durham, farmer, No. 77,063 C.; *John Marley*, assignee.

*Saturday, Nov. 5.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Daniel O'Connell*, St. David-st., Great Dover-road, Surrey, attorney's clerk: in the Debtors Prison for London and Middlesex.—*Richard Pyne*, Brook-st., Ratcliffe, Middlesex, broker: in the Debtors Prison for London and Middlesex.—*Thos. Honnor*, French Horn-yard, High Holborn, Middlesex, assistant to a carman: in the Debtors Prison for London and Middlesex.—*Mary Ann Sammons*, Hampstead-st., Fitzroy-square, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—*John Prew*, Arthur-st., New Oxford-st., Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*J. Gowing*, Larkhall-lane, Clapham, Surrey, marble maker: in the Queen's Prison.—*D. Andrade*, Newgate-street, London, meat salesman: in the Debtors Prison for London and Middlesex.—*J. Brownell*, Salford, Lancashire, engraver: in the Gaol of Lancaster.—*John Bullen*, Oundle, Northamptonshire, artist: in the Gaol of Northampton.—*Wm. Child*, Oldham, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Emmott*, Blackburn, Lancashire, confectioner: in the Gaol of Lancaster.—*John Howard*, Hulme, Manchester, bookkeeper: in the Gaol of Lancaster.—*J. H. Higginbotham*, Hulme, Manchester, grocer: in the Gaol of Lancaster.—*T. Murta*, Liverpool, bag manufacturer: in the Gaol of Lancaster.—*G. Alcock*, Hulme, Manchester, bookkeeper: in the Gaol of Lancaster.—*Peter Hutchinson*, Leyland, near Preston, Lancashire, veterinary surgeon: in the Gaol of Lancaster.—*E. Kenworthy*, Staleybridge, Lancashire, out of business: in the Gaol of Lancaster.—*John Pearson*, Manchester, cloth agent: in the Gaol of Lancaster.—*Richard Patchell*, Liverpool, out of business: in the Gaol of Lancaster.—*Joseph Partington*, Rochdale, Lancashire, attorney-at-law: in the Gaol of Lancaster.—*Wm. Sim*, Liverpool, out of business: in the Gaol of Lancaster.—*Wm. Sykes*, Morecambe, near Lancaster, out of business: in the Gaol of Lancaster.—*James Sherratt*, Standish, near Wigan, Lancashire, manager of a colliery: in the Gaol of Lancaster.—*Richard Winder*, Blackpool, Lancashire, shoemaker: in the Gaol of Lancaster.—*R. Williams*, Liverpool, builder: in the Gaol of Lancaster.—*John Gee*, Manchester, out of business: in the Gaol of Coventry.—*Arthur J. Barrow*, Woolwich, Kent, out of business: in the Gaol of Maidstone.—*James Townley*, Manchester, coal dealer: in the Gaol of Lancaster.—*Wm. Holden*, Blackburn, Lancashire, blacksmith: in the Gaol of Lancaster.—*R. Holden*, Over Darwen, near Blackburn, Lancashire, quarryman: in

the Gaol of Lancaster.—*George Webb*, Bristol, auctioneer: in the Gaol of Bristol.—*Wm. J. Youlten*, Bristol, commercial traveller: in the Gaol of Bristol.—*J. Leedam*, Lower House, near Burnley, Lancashire, tailor: in the Gaol of Lancaster.—*Joseph J. Beall*, Devonport, writer in Devonport Dockyard: in the Gaol of St. Thomas-the-Apostle, Devonshire.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 22 at 11, before Mr. Commissioner MURPHY.*

*Francis Cooper*, Wych-street, Strand, Middlesex, out of business.—*Francis Gorham*, Bedford-place, Kensington, Middlesex, registrar of births and death.—*James Fry*, Compton-street, Goswell-street, Middlesex, confectioner.—*John Wilson*, Edgware-road, Middlesex, coffee-house keeper.

*Nov. 23 at 10, before the CHIEF COMMISSIONER.*

*Charles Roberts*, Sherbourne-cottages, Sherbourne-street, Islington, Middlesex, gardener.

*Nov. 24 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Riches*, University-street, Tottenham-court-road, Middlesex, classical tutor.—*John Arnold*, West Ham, Essex, carpenter.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, Nov. 22 at 10.*

*J. Simpson*, English Frankton, near Wem, in no business.

*At the County Court of Hampshire, at WINCHESTER, Nov. 23 at 11.*

*John Geo. Hartley Wintney*, boot maker.—*Philip Brake*, Great James-street, Lisson-grove, Marylebone, Middlesex, dealer in provisions.—*William Tyer*, Gosport, shoemaker.—*Henry C. M. Hawkey*, Winchester, Southampton, captain in the Royal Marines.

*At the County Court of Warwickshire, at COVENTRY, Nov. 23 at 12.*

*Robert Emuss*, Birmingham, butcher.—*John Gee*, Manchester, out of business.

*At the County Court of Bedfordshire, at BEDFORD, Nov. 24 at 11.*

*John Webb*, Luton, straw-bonnet manufacturer.—*Robert Jefferys*, Bedford, agricultural day labourer.

*At the County Court of Sussex, at PETWORTH, Nov. 25.*

*Charles Sharp*, Westbourne, servant.—*J. Hart*, Havant, innkeeper.

*At the County Court of Derbyshire, at DERNBY, Nov. 26 at 12.*

*John Marsh*, Bolsover, out of business.

*At the County Court of Gloucestershire, at GLOUCESTER, Nov. 28.*

*Francis Williams*, Bitton, near Bristol, collier.

#### MEETINGS.

*John L. Percy*, Roehampton-place, Vauxhall-bridge-road, and Douro-cottages, St. John's Wood, Middlesex, builder, Nov. 25 at 12, at Nichols & Clark's, 9, Cook's-court, Lincoln's-inn, sp. aff.—*Samuel Kirk*, Ashton-under-Lyne, in no business, Nov. 30 at 3, at the Travellers' Call Inn, Bradbury, near Stockport, Cheshire, sp. aff.

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# The Jurist

No. 880—VOL. XVII. NOVEMBER 19, 1853.

PRICE 1s.

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We laugh at the verdict of the Welsh jury, who, trying a man for killing his wife upon great provocation, persisted, notwithstanding judicial remonstrance, in returning a verdict of "guilty, but served her right;" and we sometimes ridicule the practice of the French juries of returning verdicts of "guilty, with attenuating circumstances." But both these proceedings, the one in a rough and the other in a more polished manner, are in the right direction; they are steps in advance of the imperfect judicial civilisation of the middle ages.

It is not to be concealed that much of our present jurisprudence is behind the general civilisation of the age; it is the jurisprudence of the middle ages—much refined and purified no doubt, but still the jurisprudence of a period when the despotism by which society in a state scarcely beyond savagery is governed, was succeeded by the rigid and unbending laws and rules by which men govern themselves, when, having grasped at freedom, perhaps somewhat prematurely, and scarcely daring to trust to their tenure of it, they will not intrust power to any fellow-citizen on any other terms than those of subjection to rules which none, either governors or governed, are to break through or call in question.

It is a part of this system which still at this day

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entails upon the tribunals of this country the duty of generally—indeed, nearly always—in deciding between a plaintiff and defendant, whether in civil or in criminal cases, determining absolutely that the one is right and the other wrong, in the face of general experience and of particular evidence, both of which almost always shew that neither party is entirely right or entirely wrong. Perhaps the civilisation of that portion of mankind of which common juries are composed, is not yet sufficiently advanced to make it safe to trust them with the power of returning verdicts of "guilty, but served her right," or even "guilty, with attenuating circumstances." But if such a discretion cannot be intrusted to such tribunals, it might, at any rate, not unsafely be intrusted to judges in cases which rest upon their unfettered decision.

We have been led into these remarks by considering a class of cases which come frequently before equity judges, and of which a striking instance is now under consideration, and standing for judgment before one of the learned Vice-Chancellors. We allude to those cases in which one person having so dealt with two or more others, that he has cheated one or other of them, the contest is, which of the cheatees has the best equity. The one in whose favour the decision is, must, by the course of practice, have the whole advantage; the other the whole loss. Ex gr., the case now standing for judgment is of this kind. A. agrees to sell real estate to B. The conveyance is prepared and executed, with a receipt indorsed, and the legal estate is duly transferred to B. For some reason, good or bad, but not fraudulent, in the ordinary sense, on the part of A., he allows B. a few days to pay the money, and allows him in the meantime to take away the conveyance and other deeds. B. goes, and, in a few days before he has paid the money, deposits his deeds, by way of equitable mortgage, with C., and then departs this realm without paying A.: which is to be

the loser, A. or C.? B. has cheated one or the other, or both; that is clear. But the only question that equity can decide is, whether A. has a prior lien for his purchase money, or C. a prior lien for his mortgage money. It is argued on the one side that A., by letting the deeds go out of his possession, has, besides being a great fool, permitted or put it in the power of B. to commit a fraud on C.; and therefore A., and not C., ought to suffer. It is argued on the other side that C., by taking an equitable mortgage when he might have taken a legal one, has himself been the negligent party; and that when he thus takes a mere equity, he takes it with knowledge that there may be prior equities, and takes subject to them; and that he, and not A., ought to suffer. Now, no man untainted by equity can consider the case without seeing, not that A. and C. have been exactly equal in negligence, but that it would puzzle any mortal to say which had been the most foolish and negligent; and therefore that they ought, in common justice and honesty, to divide the mischief between them; and to this conclusion no doubt any man would equally come if he might, though overlaid with equity; but to such a conclusion no equity judge can come. He *must* decide that A. is right, or that C. is right. He must give A. or C. the prior lien—that is, he is forced by the law of the court to make a decree manifestly unjust and nonsensical. It matters not for which party he decides. In such a case as the one we are alluding to, the difference of right or of wrong between the two litigants is so infinitely small, so inappreciable—the reasoning by which either can be said to be less wrong than the other is so subtle, that any decree in favour of either must be nonsense, and, what is worse, injustice. It is not the fault of the judge; it is the fault of the law, which does not, in this age, intrust to a judge sufficient power to arbitrate between two litigants, and to apportion, as it were, his judgment to their respective proportions of merit. In such a case—and though we have selected one as an example, it is but a type—Haroun Alraschid, or the Black Douglas, *might* have done justice; he *might* also have done injustice. But an English equity judge, in the year 1853, *must* do injustice, let him decide as he will.

Take, again, such a case as that of the architect so recently before the public. His alleged offence was, according to law, manslaughter. Of that he was guilty or not guilty. The coroner's jury felt the absurdity of finding him guilty of manslaughter, and also felt the injustice of finding him guilty of nothing; and they tried to escape by something like a French verdict. The coroner, very properly, as a judicial officer, insisted on a verdict according to law, guilty or not guilty; and the jury, thus pressed, and thinking the accused a shade more guilty than not guilty, found him guilty. The grand jury thought the reverse, that he was a little nearer not guilty than guilty, and so threw out the bill. Both tribunals being driven to an absurd decision by the state of the law, which intrusts nothing to the deciding tribunal but to say yea or nay.

In the case to which we refer, the absurdity of both decisions was flagrant. No man of sense could read the evidence and fail to see that to call the unhappy architect a manslaughterer, and to punish him as such,

would be the grossest injustice; nor could any man fail to see that to some, and perhaps to grave censure, he was obnoxious, and that from him some retribution was due; but the positive character of our law required him to be treated as guilty of a great crime, which he obviously was not, or to be entitled to an almost oval escape, which was just as little his due.

It is time that these barbarisms should be removed from our laws. They are founded, as we have observed, on that fixedness of rule which our ancestors established, and to which their descendants have clung; and which was wise and useful in a state of society in which men, having but recently and uncertainly shaken off despotism, could not find safety for freedom except in circumscribing all authority by regulations which should leave little or nothing to individual judgment and individual power. But we are now entering on a state of civilisation in which freedom is established on a sufficiently firm basis, to make it safe to give something more approaching dictatorial authority, to those to whom the administration of justice is intrusted. Sure are we that for one injustice which would be committed by a judge, if he had larger discretion, and could apportion his decisions, a dozen are committed by the fixed and rigid law, of which he is now but the mouth-piece and exponent.

#### THE STATUTE-LAW COMMISSION.

A REPORT by Mr. Bellenden Ker to the Lord Chancellor, and some papers by the junior commissioners, have been printed and presented to the House of Lords, but, for some unapparent reason, they are not yet to be had either at the Queen's printer's or at Hansard's\*. This is to be regretted, because the subject has been very well opened up by the junior commissioners, who, among them, have furnished sufficient materials for considering and deciding upon the best mode of dealing with it.

Mr. Ker appears to have hitherto acted rather as foreign secretary to the four gentlemen who are placed under him than as chief commissioner, and his report consists merely of a statement of what has been done by the junior commissioners, with a few general remarks on what remains to be done.

Mr. Ker points out two possible courses: first, to ascertain and declare by enactment what statutes are in force, and thus provide a text for future consolidation; or, secondly, at once to arrange and consolidate the existing law; and he suggests, that, in performing the latter task, it would be safer to attempt no alteration in the language of those acts which have been worked out into a body of law by decisions, (e.g. the Statute of Uses), while others (such as those relating to the revenue) might be better dealt with at once by consolidation. Thus the bulk of the statute law might be very much reduced by consolidating particular groups of statutes before proceeding to a general revision. The revision should then be made, not indiscriminately, but in groups of statutes, arranged according to their subjects. After suggesting the establishment of a general board for revising bills in their initiatory stages, Mr. Ker refers to an estimate, prepared by the secretary to the commission, of the space which has been saved in the printed acts of Parliament since the passing of the

\* A complaint has reached us that a special embargo is laid upon Mr. Coode's papers; yet they are the most important of the set, and are not in any way exceptionable for scandal or impertinence.

various Clauses Consolidation Acts. The estimate is, that more than 100,000 pages have been saved in 3000 private acts.

Mr. Brickdale in one of his papers points out, and illustrates from the recent statutes of New York, the benefit to be effected from a digest of the statute law, in promoting uniformity and conciseness of expression in subsequent legislation—in securing the law from alterations made without a due consideration of the entire subject—in preventing the necessity of recitals of existing laws, and repetitions of similar provisions—in facilitating the establishment of a permanent board for the purpose of securing to some extent uniformity in the legislative style, and also of periodically issuing a revised and authentic text of the statute law. This paper contains some good remarks on the defects of the existing Clauses Consolidation Acts, and on the abuse of interpretation clauses; and a severe criticism on the absurd act “for shortening the language used in acts of Parliament.”

In another paper Mr. Brickdale states some doubts and difficulties which occurred to him in preparing specimens of a digest of the law of distress:—“The specimens are framed in three different ways: first, taking the mere *statute* law of the subject alone; secondly, taking the *whole* law, both statute and common, and without introducing any simplification or other alteration; thirdly, taking the whole law, and introducing such alterations as would be generally admitted to be reasonable and desirable, without altering the general character of the law.” Mr. Brickdale points out that the *revision* of the statute law consists of ascertaining what enactments are, first, distinctly and in terms repealed or expired; secondly, obsolete; thirdly, doubtful whether revived by the repeal of a repealing statute, &c.; fourthly, abrogated by subsequent inconsistent enactments.

Proceeding to the subject of digesting and consolidating, Mr. Brickdale observes, that “a digest of the statute law only cannot be made practically useful or satisfactory. The statute law is not a branch of the law which can be treated separately, but a component part of it; and (except, of course, as to those subjects which owe their existence entirely to modern legislation) the statute law is, in fact, only a collection of fragmentary exceptions and alterations, unintelligible, except with reference to the whole law, which is to be found elsewhere. A digest of the statute law only will not, therefore, be a manual of the law, or in fact present any of the advantages which are generally expected from a digest; it will neither be complete nor simple. To what extent it will be imperfect and practically useless may be inferred from the *first* part of the specimens which I have prepared, on the principle of taking the statute law alone.” This is followed by the remark, that the simplification and amendment of the law must almost necessarily be combined with its consolidation.

The second specimen of a digest is referred to as shewing how strange and unsatisfactory a digest of the entire existing law on any subject must necessarily be; “some of the rules plainly obsolete or unreasonable, others almost unintelligible, others containing trivial exceptions or subject to trivial conditions;” and from this is deduced the moral, that as the preparation of a digest of so unsatisfactory a nature (which must necessarily be merely an introduction to an improved and simplified code) would be extremely irksome and discouraging, the proper course would be, in the first instance, to prepare a digest of the law with such simplifications and improvements as may be found necessary to make its provisions sensible and consistent; no attempt being made to alter the law in important particulars, or to interfere with the policy of particular provisions, in cases where that policy is not plainly

obsolete, and alterations whenever made being specially pointed out. Of the mode of performing such a task a specimen is given, and the experience of the New York commissioners is referred to in confirmation of Mr. Brickdale's views.

Mr. Brickdale's papers are well worthy of attention, but we entirely dissent from his proposal to attempt a consolidation of the entire statute and common law. He could only have made it in forgetfulness of the essential difference between the common law and the statute. The operation is impossible. A code of common law is a contradiction in terms. The function of a statute is to correct and supply the deficiencies of the common law, but not to replace it; and every statute becomes in the course of time the nucleus of a group of common-law precedents, by which it is construed and applied. The various clauses of the existing written or statute law may be rewritten, with verbal corrections, and in any order of collocation that is thought convenient, and the written law will remain unchanged; but the common law would lose in codification every characteristic which gives it its peculiar value. No doubt, a code of statute law could be compiled from the common law, and substituted for it. That would be legislation, not consolidation, and the immediate result would be a prodigious increase of uncertainty and litigation, which would be endless, if, as consistency would require, the sacrifice of past judicial precedents were accompanied with a veto on the use of those to come. Every case would then be a case of first impression; there would be no general or professional interest in uniformity of decision. Every judge would do what seemed right in his own eyes, and his highest measure of right or law would be his own intellect, unaided by the accumulated wisdom of ages. The present state of the administration of the law in the police and county courts affords a faint indication of what may be expected from a judicature whose decisions are not precedents. No doubt some heads of law now resting partly on precedent might be included with tolerable completeness in a “consolidation act;” and the subject of distresses was not ill chosen by Mr. Brickdale for the purpose. It is not among such heads of mere arbitrary regulation that the excellences of the common law are to be sought. Let the attempt be made to codify the law of contracts. The statute law is a collection of positive precepts expressed in precise language, or at least in terms which are to be construed as if they were precise and full exponents of the sovereign will. If the provisions are incomplete, or inaccurately expressed, the judge has no power to expand or correct them. Such a law can never rise above the level of the capacity and powers of the individuals who frame it, and, even in proportion to the scientific skill bestowed upon its preparation, would be liable to be misunderstood and misapplied, if administered without the light of judicial precedents. What would a second-rate judge make of the modern statutes of prescription and limitation without the aid of *Bright v. Walker*, *James v. Salter*, *Grant v. Ellis*, &c., or of the 2 & 3 Vict. c. 29, without *Whimore v. Robertson*? The common law is a collection of precedents, from which the law is to be collected by inference. The precision which is essential in a statute is needless in the record of a precedent. The material facts of the case, the decision, and an indication of the grounds of the decision, stated with only so much accuracy as an ordinary reporter can command, are the sole elements of a complete precedent. From such a report we learn infallibly, and with scarcely any dependence on the accuracy of its language, the precise principle on which the decision proceeded—the principle for which it is an authority. A cluster of such precedents, associated by a community of subject, presents to us a rule, with its limits, qualifications, applications, and exceptions,



ascertained after laborious and repeated discussions, during successive generations, by the finest legal intellects of the country, and expressed by a method which presents to us the mental processes by which the results were obtained, and not the mere results abstracted in fixed formula; and when a precedent directly in point cannot be found, light may be drawn from others by means of inference and analogy. The maxim, "*expressio unius*," &c., so important in the interpretation of the statute law, has no application in the use of precedents. We shall extract below some excellent remarks on this subject by Mr. Coode.

Mr. Rogers, in a separate paper, also recommends a digest of the whole law, and expresses his belief that "the common law, properly so called, forms but an infinitesimally small fraction of the corpus of the law at the present day;" and he proceeds to justify his belief in terms which shew that he does not yet understand the nature of the common law. Our conviction is, that the contributions of the common law, even to a code, would greatly exceed in bulk those of the existing statutes. Be this as it may, we trust that no other digest of the common law will ever be attempted than a digest of the reported decisions and other authorities. We cannot generalise our common law, because its essence is, that it teaches by example; but we may put those examples in a more convenient form. We may revise our reports and digest them, as we propose to digest our statutes; we may expunge precedents which have been overruled or have become obsolete; and we may express in concise language all that is material, of circumstance, decision, or dictum, in those which remain. Having done that, we may give to our digest the same authority which the reports now possess, and forbid the citation of the reports prior to the digest; and we may provide for the annual revision of the digest. Such a work would reduce the existing thousand volumes of precedents to twenty, and would tend more than any other measure to facilitate and improve the practice and administration of the law.

In a joint paper by Messrs. Anstey and Rogers it is announced that those gentlemen have completed an expurgatory list of such public general acts as appear to be repealed, virtually repealed, obsolete, expired, and virtually expired. The list contains 10,047 acts, or about two-thirds of the entire number of the public general acts, and it has been referred to Mr. Brickdale for revision. The paper contains a statistical account of the statute-book, and an analysis of the subjects of the existing public general acts. A specimen of the expurgatory index accompanies the paper. A separate paper by Mr. Anstey contains some good criticism on past legislative errors, and recommends the immediate passing of an act declaring the repeal of the statutes comprised in the expurgatory list.

It is in Mr. Coode's papers that the key to the problem propounded to the commissioners is to be sought. His tract "*On Legislative Expression, or the Language of the Written Law*," (first printed as an introduction to the Appendix annexed to the Report of the Poor-law Commissioners on Local Taxation presented to Parliament in 1843), has established his reputation as a sound and philosophical thinker on the subject. Mr. Coode is the only one of the commissioners who has ever attempted to go to the foundations of the subject, and to establish a comprehensive system of legislative expression which shall be available now and for all time; and as his papers are still inaccessible, we shall expect the thanks of our readers for the following rather copious extracts. We give the introductory observations entire:—

#### *"Introductory Observations.*

"I have the honour to submit, as my contribution to the labours of the commission for consolidating the statute law, the following papers:—

- "I. On the collection of the materials for legislation or consolidation, their collation and connexion;  
with an appendix, being a specimen of a chronological register of the statutes in force, their duration and interoperation.
- "II. On the digestion of the materials for legislation and consolidation;  
on their analysis;  
on their recomposition;  
on their expression;  
with two appendices;  
the first, being suggestions as to the preparation of compilations of the existing law, to precede or accompany bills in Parliament;  
the second, exemplifying the operation of digesting, being a digest of the acts for the relief of the poor.
- "III. On consolidation.
- "IV. On subsequent legislation, with a view to preserve the order and consistency of the law after consolidation.

"(1). Lest it should appear that the subject thus treated in connexion with current and future legislation extends beyond the due limits of our commission, it may be proper, once for all, to justify the breadth with which it is here discussed.

"It would be easy mechanically to exclude from the discussion all reference to future legislation, for the erasure of a few words in the following papers would effectually suppress all verbal reference to it; but still the whole subject would, nevertheless, be involved as effectually, in spite of this seeming exclusion, as it would be in the most emphatic expression. For the function of legislation is essentially the same to-day as it was 1000 years ago, and as it will be 1000 years hence. The instrument by which it operates—language—may change in its fashion, and even in its terms; but the principles upon which it was to be used at one time, to insure clearness, consistency, comprehensiveness, or compactness, were the same as must be applied now, and as long as language exists, for the attainment of the same ends. And even as to the elements which the maker of a law, has to operate on or to operate with, they always have, when known at all, synonymous names, and the same definition and the same value and place in a general order or in a methodical enumeration or collection. Whatever defect of method or enunciation has made any old law obscure, confused, ineffectual, or inconvenient, would make a future law so too. Whatever is ascertained as an improvement on an old law, in form and expression, will be equally beneficial in application to a new one. Whatever method may be now found to be necessary and effectual to cure evils already accumulated would not only cure, but, when applied preventively, wholly eradicate, the like evils in the future. In short, the order and expression of the law of the past, the present, and the future times is essentially but one and the same thing, and there is no practical consideration pertinent to the one which is not equally so to the others.

"It is not, then, through any ambition unduly to extend the scope of these remarks beyond the scope of my commission that they include equally the subjects of the digestion of the past and that of prospective legislation, but because in any remarks of real practical pertinency it would be a mere affectation of self-restraint to pretend to abstain from any part of what is intrinsically and inevitably one indivisible whole. By the necessity involved in an unreserved expression of a single subject, not by a free choice, these papers apply equally to the consolidation of the existing statutes and the composition of future statutes.

"(2). On the other hand, inasmuch as the consolidation of the statute law necessarily involves a con-

siderable operation upon the body of judicial decisions which have interpreted it, it may seem to be an objection that these papers make little or no express reference to this mass of interpretation. But this in the main consists of matter implicitly involved in the operations, whatever they may be, to which the statute law, the occasion of all this interpretation, may itself be subjected. All this interpretation is necessarily applied in each instance to law in *eadem materia*, and the questions disposed of generally are these:—Whether two provisions, or only one, apply to the matter in hand? If two or more provisions apply in terms to the same matter, but with different practical effect, which provision prevails? How far a subsequent statute prevails in this or that case over an earlier one? How far a general provision affects a more special one, and vice versa? How discordant and disparate expressions are to be reconciled and applied together? How far defective expressions are to be completed, or too extensive expressions restrained? and the like. It is manifest as to all such questions that they arise chiefly out of two circumstances, both of which must cease to exist in exact proportion as consolidation takes place. For, when the whole of the statutory law in the same matter is consolidated in the same statute, no question of anteriority, posteriority, of actual or virtual abrogation, limitation, extension, or other modification in which succession in time is an element, can possibly arise; and when the co-ordination of parts or the generality or speciality of each provision is shown by its place and order in one statute, that visible co-ordination renders unnecessary and inapplicable all rules and all processes invented and applied to discover it when concealed by the dislocation of the matter in scattered and undigested records; and thus the elaborate system of rules of construction, and the vast mass of decisions on this class of cases, will lose their application when all provisions upon the same subject are contemporaneously and methodically expressed in the same statute.

“As to that mass of decisions which have supplied defects and limited excesses in the terms of statutes bringing within their operation cases not expressed, and excluding from their operation cases verbally comprehended in their terms, it is plain that all the cases so included or excluded should be considered at the same time and with the same view as all other practical changes to be introduced upon practical grounds into the consolidated acts, on which occasion these decisions, so far as they are approved by experience, will serve as a predominating authority for a corresponding contraction, or extension, or modification of the terms of the statute law. These cases, then, should all be collected and included in the digest recommended in these papers. Such cases affecting the poor laws would have been so included in the Digest of Poor Laws appended to Paper II, but for the want of time to render it complete in this respect.

(To be continued).

#### PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held at Lincoln's Inn Hall, on the 7th, 8th, and 9th days of November, 1853, the Council of Legal Education awarded to—

James Charles Mathew, Esq., student of Lincoln's Inn, a studentship of 50 guineas per annum, to continue for a period of three years.

Herbert Coleridge, Esq., student of Lincoln's Inn, a certificate of honour, as having passed the second best examination.

Charles Boulnois, Esq., student of the Middle Temple, and A. Boyd Purcell, Esq., student of the Inner Temple, certificates that they have satisfactorily passed a public examination.

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Charles Pensonby Tottenham, Esq., Carroglassa.

**Pembrokeshire**—The Hon. Robt. Fulke Greville, Castle Hall.  
John Leach, Esq., Ivy Tower.  
Nicholas John Dunn, Esq., Tenby.

**Radnorshire**—Walter de Winton, Esq., Macalaugh Castle.  
John Jones, Esq., Cefnffass.  
Robert Baskerville Mynors, Esq., Evanecod.

LOCAL AND PERSONAL ACTS,  
DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.  
16 & 17 VICTORIA.—SESSION 1.

(Continued from p. 452).

## CAP. clxxvi.

An Act to amend and enlarge the Powers and Provisions of the Westminster Improvement Act, 1845, the Westminster Improvement Act, 1847, and the Westminster Improvement Act, 1850; to extend the Time for the compulsory Purchase of Lands; to authorise further Improvements in the City of Westminster; and for other Purposes.

## CAP. clxxvii.

An Act to amend the Acts relating to the Birkenhead Dock Company, and to enable the Company to make a Railway for their Works, and for other Purposes, and of which the Short Title is, "The Birkenhead Dock Company's Act, 1853."

## CAP. clxxviii.

An Act to authorise the Newport, Abergavenny, and Hereford Railway Company to make Deviations on their Extension to the Taft Vale Railway, and to make certain short Branches.

## CAP. clxxix.

An Act to authorise Deviations at Hereford and near Pontypool of the Newport, Abergavenny, and Hereford Railway, and to amend the Acts relating to that Railway.

## CAP. clxxx.

An Act for making a Railway to the Crystal Palace, with Branches to the London, Brighton, and South-coast Railway, and to the London and South-western Railway.

## CAP. clxxxi.

An Act for the Improvement of the Parish of Chorley, in the County of Lancaster.

## CAP. clxxxii.

An Act for the more effectual Improvement of the Borough of Newcastle-upon-Tyne.

## CAP. clxxxiii.

An Act to enable the Newry and Enniskillen Railway Company to extend their Railway to the Landing Quay at Newry; to effect a Junction with the Dublin and Belfast Junction Railway; and for other Purposes.

## CAP. clxxxiv.

An Act for making a Railway from Worcester to Hereford, with certain Branches therefrom; and for other Purposes.

## CAP. clxxxv.

An Act for improving and maintaining the Port and Harbour of Westport, in the County of Mayo.

## CAP. clxxxvi.

An Act for making a Railway from the North-western District of the Metropolis to Battle-bridge, in the County of Middlesex.

## CAP. clxxxvii.

An Act to enable the West Cornwall Railway Company to make certain new Railways; and for other Purposes.

## CAP. clxxxviii.

An Act for making a Railway from the Scottish Central Railway, near Loaninghead, to the Town of Crieff.

## CAP. clxxxix.

An Act for making a Railway from Tralee to Killarney.

## CAP. exc.

An Act for consolidating and amending the Powers of the Acts of the Imperial Continental Gas Association.

## CAP. cxci.

An Act for reclaiming, inclosing, and appropriating certain Parts of the Harbour or Estuary of Castlemaine, and the Creeks of Caragh and Rossbehy, in the County of Kerry.

## CAP. cxcii.

An Act to revive and amend the Powers of the Acts relating to the Chard Railway Company, to regulate the Capital of the Company, and to enable them to extend their authorised Railway into Taunton.

## CAP. cxciii.

An Act for constructing a Railway and Landing Places within the Borough of King's Lynn, for regulating the Share Capital of the East Anglian Railways Company, and for other Purposes, and of which the Short Title is, "The East Anglian Railways Act, 1853."

## CAP. cxciv.

An Act for the Improvement of the Borough of Limerick.

## CAP. cxcv.

An Act for enabling the Monmouthshire Railway and Canal Company to make new Railways; and for other Purposes.

## CAP. cxcvi.

An Act to enable the Severn and Wye Railway and Canal Company to improve their Railway and Harbour; and for other Purposes relating to the Company.

## CAP. cxcvii.

An Act for making a Railway from the South Wales Railway at Brittonferry to Glyncoed, in Glamorganshire, to be called "The South Wales Mineral Railway."

## CAP. cxcviii.

An Act to consolidate and amend the Staffordshire Potteries Waterworks Act, 1847, and the Staffordshire Potteries Waterworks Extension Act, 1849, and to extend the Provisions and enlarge the Powers thereof.

## CAP. cxcix.

An Act for making a Railway from Stamford Baron, in the County of Northampton, to the Great Northern Railway at Essendine, in the County of Rutland; and for other Purposes connected therewith.

## CAP. cc.

An Act for better paving, draining, cleansing, lighting, watching, supplying with Water, regulating in regard to Markets and other Purposes, for making new Streets, and otherwise improving the Town of Galway.

## CAP. cci.

An Act for regulating the depasturing and Management of certain Pastures in the Parish of Richmond, in the County of York.

## CAP. ccii.

An Act to consolidate the Acts relating to the Cork and Bandon Railway Company; to authorise the Company to construct Extension and Branch Railways; and for other Purposes.

## CAP. cciii.

An Act for granting further Powers to the Electric Telegraph Company, and to enable such Company to make Arrangements for the working of Telegraphs adjoining their Works.

## CAP. cciv.

An Act for authorising the South Wales Railway Company to deviate the Line of their Railway in the Forest of Dean; and for other Purposes.

## CAP. ccv.

An Act to enable the London and North-western Railway Company to make a Railway to connect the Buckinghamshire Railway with the Oxford, Worcester, and Wolverhampton Railway.

## CAP. ccvi.

An Act for reclaiming from the Sea certain Lands near Harwich; for constructing Docks and a Pier on such Lands; and for other Purposes.

## CAP. ccvii.

An Act for making a Pier and Breakwater in the Bay of Galway, and for conferring additional Powers on the Galway Harbour Commissioners; and for other Purposes.

## CAP. ccviii.

An Act for making a Railway from Banbridge to join the Dublin and Belfast Junction Railway at Scarvagh.

## CAP. ccix.

An Act for granting further Powers in reference to the leasing and selling the Undertaking of the South Wales Railway Company to the Great Western Railway Company, and authorising working Arrangements between the said Companies; and for other Purposes.

## CAP. ccx.

An Act to enable the South Wales Railway Company to extend the Pembroke Line of their Railway to Pennar Mouth, and to make a Deviation in their said Pembroke Line; and for other Purposes.

## CAP. ccxi.

An Act to reduce and regulate the Tolls payable in respect of Traffic passing between Liverpool and certain Places on the Liverpool, Crosby, and Southport Railway, and also the Payments or Tolls payable to the Lancashire and Yorkshire and East Lancashire Railway Companies in respect of Traffic to and from the last-mentioned Railway; and for other Purposes.

## CAP. ccxii.

An Act to extend the Periods limited for completing and for purchasing Lands for the Stratford-upon-Avon and Kingswinford Branches of the Oxford, Worcester, and Wolverhampton Railway, and to extend such respective Branches, to construct a Branch Railway to Stourbridge, and to authorise the raising of certain Sums of Money by Preferential Shares; and for other Purposes.

## CAP. ccxiii.

An Act for the Construction and Maintenance of a Harbour at Llandudno, in the County of Carnarvon.

## CAP. ccxiv.

An Act for making a Railway from Wellington to Coalbrookdale, and an Extension to the River Severn, all in the County of Salop; and for other Purposes.

## CAP. ccv.

An Act for the Incorporation of the Westminster Association for improving the Dwellings of the Working Classes.

## CAP. ccxvi.

An Act for enabling the London and North-western Railway Company to construct a Railway from Crewe to Shrewsbury, and other Works in connexion with their Undertaking; and for other Purposes relating thereto.

## CAP. ccxvii.

An Act for making a Railway from the Newport, Abergavenny, and Hereford Railway, in the Parish of Llanvihangel Pontymoyle, in the County of Monmouth, to Coleford, in the County of Gloucester, with a Branch to the Monmouth Gasworks; and for other Purposes.

## CAP. ccxviii.

An Act to enable the Warrington and Altrincham Junction Railway Company to make Deviations and Branches at Warrington, and to use certain neighbouring Railways.

## CAP. ccxix.

An Act to enable the South Sea Company to enter into Arrangements with certain Proprietors of the Company.

## CAP. ccxx.

An Act for the Improvement of the Town of Rochdale, and for providing a Cemetery there, and for other Purposes, and of which the Short Title is, "The Rochdale Improvement Act, 1853."

## CAP. cccxi.

An Act to enable the Eastern Union Railway Company to redeem their Preference Shares; and for other Purposes.

## CAP. cccxii.

An Act for making a Railway from the London and North-western Railway at Willesden to the North London Railway, with a Branch to the North and South Western Junction Railway, to be called "The Hampstead Junction Railway;" and for other Purposes.

## CAP. cccxiii.

An Act for making a Railway from the Great Northern Railway at Boston, in the County of Lincoln, to the Great Northern Railway at Barkstone, in the same County; and for other Purposes.

## CAP. cccxiv.

An Act for incorporating the Life Association of Scotland, for enabling the said Association to sue and to be sued, to take and hold Property; and for other Purposes relating to the said Association.

## CAP. cccxv.

An Act for the Appointment and Regulation of Vestries in the Parishes of St. Margaret and St. John the Evangelist, in the City of Westminster.

## CAP. cccxvi.

An Act to amend an Act intitled "An Act for incorporating the East Indian Railway Company, and for other Purposes connected therewith."

## CAP. cccxvii.

An Act for making a Railway from the Oxford, Worcester, and Wolverhampton Railway, near Hartlebury, in the County of Worcester, to the Borough of Shrewsbury, in the County of Salop, with a Branch, to be called "The Severn Valley Railway;" and for other Purposes.

## London Gazettes.

FRIDAY, NOVEMBER 11.

## BANKRUPTS.

**EDWIN ORPHIN**, Brighton, Sussex, builder, dealer and chapman, Nov. 23 at 2, and Dec. 21 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Bowen May, Brighton; May & Sweetland, Queen-square, Bloomsbury, London.—Petition filed Nov. 4.

**CHARLES JOHN WEBB**, Leadenhall-street, London, silversmith, jeweller, and dealer in pianofortes, Nov. 22 at 11, and Dec. 20 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Lea, 14, Barge-yard-chambers, City.—Petition filed Nov. 7.

**WILLIAM YOUNGER the younger**, King's Arms-buildings, Cornhill, London, auctioneer, Nov. 23 at half-past 1, and Dec. 20 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Pagden & Hodgkinson, 71, Mark-lane, City.—Petition filed Nov. 5.

**JOHN BOSWORTH CROCKER**, Sheffield, Yorkshire, draper, dealer and chapman, Nov. 24 at half-past 1, and Dec. 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Parker, 18, St. Paul's-churchyard, London.—Petition dated Nov. 1.

**RICHARD ANDERSON**, Wright's-lane, Kensington, Middlesex, licensed victualler and brick maker, dealer and chapman, Nov. 24 at half-past 12, and December 15 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Waller, 7, Furnival's-inn, Holborn, London.—Petition filed Nov. 8.

**JAMES HARDING**, Edgeware-road, Middlesex, china and glass dealer, Nov. 21 at 11, and Dec. 24 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & S. Solomon, 136, Fenchurch-street, London.—Petition dated Oct. 25.

**FREDERICK JOHN HENSLEY**, Montague-place, Russell-square, Middlesex, apothecary, Nov. 19 at 1, and Dec. 24 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Cooper & Hodgson, 3, Verulam-buildings.—Petition dated Nov. 8.

**WILLIAM LYNALL**, Birmingham, plumber and glazier, dealer and chapman, Nov. 23 and Dec. 20 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Stanbridge, Birmingham.—Petition dated Nov. 8.

**JOSHUA CRAMPTON**, late of Adwalton, Birstall, Yorkshire, licensed victualler and cloth dealer, but now of Idle, Calverley, Yorkshire, corn miller and cloth dealer, dealer and chapman, Nov. 25 and Dec. 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Foster, Bradford; Harle, Leeds.—Petition dated Nov. 8, and filed Nov. 9.

**JOSEPH HARGRAVE**, late of Monkton, Durham, paper manufacturer, but now of Newcastle-upon-Tyne, banker, Nov. 17 and Dec. 21 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. T. & W. Chater, Newcastle-upon-Tyne; Bell & Co., Bow-church-yard, London.—Petition filed Nov. 8.

**RALPH HUTCHINSON**, Monkwearmouth Shore, Durham, shipbuilder, shipowner, and timber merchant, dealer and chapman, Nov. 23 and Dec. 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. J. J. & G. W. Wright, Sunderland; Maples & Co., 6, Frederick's-place, Old Jewry, London.—Petition filed Oct. 25.

## MEETINGS.

*Thomas Young*, Sunderland, Durham, shipowner, Nov. 23 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Wm. Jolly*, Bishop Stortford, Hertfordshire, carrier, Dec. 6 at 11, Court of Bankruptcy, London, and ac.—*Joseph Abbott*, Reddish, Manchester, grocer, Nov. 24 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*James Bowker*, Hyde, Cheshire, innkeeper, Nov. 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Wm. Haden Richardson*, *Benj. Richardson*, and *Jonathan Richardson*, Wordesley, Staffordshire, and Lamb's Conduit-st., Middlesex, glass manufacturers, Nov. 24 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 6 at 11, fin. div.—*John Hammond*, Birmingham, builder, Nov. 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*James Tree* and *Thos. Peate*, Oswestry, Shropshire, drapers, Dec. 14 at 11, District Court of Bankruptcy, Birmingham, aud. ac. and div. sep. est. of *Thomas Peate*.—*Edmund Tyler*, Birch Hills, near Walsall, Staffordshire, ironmaster, Nov. 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 7 at 11, div.—*James Marlow*, Glebeland Works, Walsall, Staffordshire, ironfounder, Dec. 13 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Richard Lathbury*, Barton-upon-Trent, Staffordshire, grocer, Dec. 3 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. Topley*, Liverpool, stonemason, Nov. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Rainford*, Liverpool, upholsterer, Nov. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Joseph Peverelle*, Liverpool, hardware dealer, Nov. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 5 at 11, div.—*Wm. Drake* and *Peter Sacker*, Wakefield, Yorkshire, railway truck makers, Dec. 1 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 2 at 11, div.—*Thos. Shelton Catlin*, Leicester, grocer, Dec. 9 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Joseph Newbold*, Barton-under-Needwood, Staffordshire, innkeeper, Dec. 3 at 10, District Court of Bankruptcy, Birmingham, div.—*John Hammond*, Birmingham, builder, Dec. 7 at 11, District Court of Bankruptcy, Birmingham, div.—*Thomas Lediard*, Cirencester, Gloucestershire, money scrivener, Dec. 8 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Henry Hunt*, Heaton Norris, Lancashire, paper manufacturer, Dec. 2 (and not Nov. 18, as advertised in last Tuesday's Gazette) at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Wm. Jolly*, Bishop Stortford, Hertfordshire, carrier, Dec. 6 at 11, Court of Bankruptcy, London.—*Joseph Lee*, Dewsbury, Yorkshire, grocer, Dec. 5 at 11, District Court of Bankruptcy, Leeds.—*John C. Cullum*, Bromyard, Herefordshire, grocer, Dec. 3 at 10, District Court of Bankruptcy, Birmingham.—*John Spittlehouse*, Sheffield, Yorkshire, joiner, Dec. 10 at 12, District Court of Bankruptcy, Sheffield.—*William Drake* and *Peter Sacker*, Wakefield, Yorkshire, railway truck makers, Dec. 2 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Wm. Miller*, Dorking, Surrey, auctioneer.—*Wm. Strickland*, Kensington-crescent, Kensington, and Symond's-inn, hancery-lane, Middlesex, wine merchant.—*Elizabeth Morris*, loucester, grocer.—*M. Worms*, Queen-street, Cheapside, London, merchant.—*S. Devey*, Brighton, Sussex, builder.—*Strick Drums*, Liverpool, brass bottle dealer.—*George E. Under*, York, grocer.—*George Hirst*, Foolstone, Kirkburton, Yorkshire, manufacturer.—*Thos. S. Catlin*, Leicester, grocer.

#### PARTNERSHIP DISSOLVED.

*J. Buxay and H. Buxay*, Newbury, Berkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Coull*, Buckie, Banffshire, merchant.—*A. Nicol*, Ayr, grocer.—*James McFarlane*, deceased, Edinburgh, seedsman.—*Wm. Craig*, Glasgow, victualler.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*William G. Kelson*, Canterbury, builder, Nov. 17 at 11, County Court of Kent, at Canterbury.—*Wm. Oliver Hulbert*, Gloucester, foreman in a tailoring establishment, Nov. 28 at 10, County Court of Gloucestershire, at Gloucester.—*John Nicholl*, Northowram, Halifax, Yorkshire, mason, Nov. 25 at 10, County Court of Yorkshire, at Halifax.—*Joseph Dennis*, Halifax, Yorkshire, joiner, Nov. 25 at 10, County Court of Yorkshire, at Halifax.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 25 at 10, before the CHIEF COMMISSIONER.*

*Thomas John Hawkins*, Berner-street, Commercial-road, St. George's-in-the-East, Middlesex, builder.

*Nov. 28 at 10, before the CHIEF COMMISSIONER.*

*Richard John Hicks*, Wilton-place, Portland-terrace, Regent's-park, Middlesex, out of business.—*John W. Whiffeld*, Southall, Norwood, Middlesex, tailor.

*Dec. 14 at 11, before Mr. Commissioner MURPHY.*

*Charles F. Lucas*, South-grove, Rye-lane, Peckham, Surrey, not in any business.—*Wm. Tompkins*, Golden-lane, Old-st., St. Luke's, Middlesex, out of business.—*Richard Thorne*, York-street, York-road, Lambeth, Surrey, out of business.—*Edward Burgess* the elder, Uxbridge, Middlesex, mason.—*Joseph Sheldon*, White Lion-street, Pentonville, Middlesex, greengrocer.—*Cornelius A. Conway*, Copenhagen-street West, Caledonian-road, Middlesex, compositor.—*W. J. Goodchild*, College-street West, Camden-town, Middlesex, clerk to an auctioneer.—*Theophilus Cooper*, Onslow-terrace, Lorrimer-road, Waltham, Surrey, advertising agent.—*William Gamble*, Bailey's-place, Marlborough-road, Chelsea, Middlesex, milk vender.—*Wm. G. Scovell*, Queen's-head-row, Newington-butts, Surrey, fish salesman.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 25 at 10, before the CHIEF COMMISSIONER.*

*Henry Jones*, Dorset-street, Manchester-square, Middlesex, glass cutter.—*Evans Gathercole*, New-street, Vauxhall-street, Lambeth, Surrey, housekeeper.

*Nov. 25 at 11, before Mr. Commissioner MURPHY.*

*Edwin Baker*, Featherstone-buildings, High Holborn, Middlesex, tailor.—*R. Gouldsbrough*, Milner's-mews, Prince's-street, Edgeware-road, Middlesex, omnibus proprietor.

*Nov. 26 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Gowing*, Larkhall-lane, Clapham, Surrey, stone-mason.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, Nov. 23 at 11.*

*John Yeo*, (and not Geo, as advertised in last Tuesday's Gazette), Hartley Wintney, shoemaker.

*At the County Court of Bedfordshire, at BEDFORD, Nov. 24 at 11.*

*Robert Jeffreys*, (and not Jefferys, as advertised in last Tuesday's Gazette), Bedford, agricultural day labourer.

*At the County Court of Glamorganshire, at CARDIFF, Nov. 25.*

*George Wilde*, Merthyr Tydvil, pawnbroker.

*At the County Court of Gloucestershire, at GLOUCESTER, Nov. 28 at 10.*

*John Gurney*, Bulley, carpenter.

*At the County Court of Sussex, at LEWES, Nov. 29.*

*Nelson Cruttenden*, Battle, butcher.

#### TUESDAY, NOVEMBER 15.

##### BANKRUPTS.

*CHARLES ROBERT ROPER*, Church-street and Bohemia-place, Hackney, Middlesex, chemist and druggist, Nov. 24 at 1, and Dec. 15 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Stopher, 52, Cheapside, London.—Petition filed Nov. 7.

*THOMAS COOK MILLINGTON*, Maldon, Essex, chemist and druggist, dealer and chapman, Nov. 23 at 2, and Dec. 28 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Driffield, Chelmsford, Essex; Hindmarsh & Evans, 7, Crescent, Jewin-street, Cripplegate.—Petition filed Nov. 10.

*JOHN SALTER*, Backchurch-lane, Whitechapel, and Ratcliffe-highway, Middlesex, yeast merchant, beer dealer, and postmaster, dealer and chapman, Nov. 24 at 11, and Dec. 22 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Cox & Sons, 14, Sise-lane.—Petition filed Nov. 12.

*WILLIAM WRENN*, Penge, Surrey, grazier and cattle dealer, Nov. 24 and Dec. 22 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Thompson, 18, Sise-lane.—Petition filed Nov. 15.

*JAMES ROBERTS*, Coal Harbour, Blackwall, Middlesex, wood and timber merchant, Nov. 21 and Dec. 23 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Aug. 18.

*JOHN READY*, Holywell-street, Shoreditch, Middlesex, oilman, dealer and chapman, Nov. 25 at half-past 12, and Jan. 6 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & T. Gole, 49, Lime-street, London.—Petition filed Nov. 7.

*JOHN EDWARD LOADER*, Devonshire-street, Mile-end, Middlesex, builder, Nov. 25 at 1, and Dec. 24 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Philp, 26, Bucklersbury, London.—Petition dated Nov. 12.

*JAMES WINDEYER LEWTY*, Wilden, Worcestershire, *WILLIAM HENRY PARTRIDGE*, Birmingham, and *EDMUND LEWTY*, Stourport, Worcestershire, carrying on business at Wilden as iron and tin plate workers, dealers and chapmen, under the style or firm of the Wilden Iron and Tin Plate Company, Nov. 30 and Dec. 22 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Elgie, Worcester; Hodgson, Birmingham.—Petition dated Nov. 7.

*ROBERT CRAIGIE HOPEKIRK*, Exeter, perfumer, milliner, dealer in artificial flowers, dealer and chapman, Nov. 24 and Dec. 15 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed Nov. 9.

##### MEETINGS.

*Mary Ann H. Ward*, Upper Dorset-place, Clapham-road, Surrey, printer, Nov. 29 at 2, Court of Bankruptcy, London, last ex.—*J. Palmer*, Hove, Brighton, Sussex, builder, Nov. 29 at 1, Court of Bankruptcy, London, last ex.—*Thomas L. Powell*, Romsey, Hampshire, upholsterer, Nov. 29 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—*T. L. Atkinson*, Wood-street, London, linen warehouseman, Nov. 26 at half-past 12, Court of Bankruptcy, London, last ex.—*E. Jones*, Strand, Middlesex, woollendrapery, Nov. 30 at 12, Court of Bankruptcy, London, aud. ac.—*Isaac Sharman*, Spalding, Lincolnshire, upholsterer, Nov. 30 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Warland*, Commercial-place, City-road, Middlesex, builder, Nov. 26 at 11, Court of Bankruptcy, London, aud. ac.—*J. E. Spicer*, Chilworth,

near Guildford, Surrey, and Alton, Hampshire, paper manufacturer, Nov. 26 at 11, Court of Bankruptcy, London, and. ac.—*Francis Wm. South*, Maidstone, Kent, beerseller, Nov. 26 at 11, Court of Bankruptcy, London, and. ac.—*Jos. Fowler*, Macclesfield, Cheshire, provision dealer, Dec. 2 at 12, District Court of Bankruptcy, Manchester, and. ac.; Dec. 9 at 12, div.—*William Frost*, Macclesfield, Cheshire, silk throwster, Dec. 2 at 12, District Court of Bankruptcy, Manchester, and. ac.; Dec. 9 at 12, div.—*John Smith Dainty* and *John Ryle*, Manchester, bankers, Dec. 9 at 12, District Court of Bankruptcy, Manchester, and. ac.; Dec. 16 at 12, div.—*Edward Pass*, Sheffield, Yorkshire, butcher, Nov. 26 at 12, District Court of Bankruptcy, Sheffield, and. ac.—*James Maitt*, Edgeware-road, Middlesex, ironmonger, Dec. 8 at 11, Court of Bankruptcy, London, div.—*Wm. Gosling*, Woolwich, Kent, ironmonger, Dec. 6 at 12, Court of Bankruptcy, London, div.—*Daniel Keith* and *Thomas Shobridge*, Wood-street, Cheapside, London, warehousemen, Dec. 6 at 1, Court of Bankruptcy, London, div.—*John Wm. Haylock*, Lawrence-street, Chelsea, Middlesex, licensed victualler, Dec. 6 at 1, Court of Bankruptcy, London, div.—*Michael Thos. S. Welsh*, Romford, Essex, linendraper, Dec. 6 at 12, Court of Bankruptcy, London, div.—*John Malley*, Lancaster, silversmith, Dec. 6 at 12, District Court of Bankruptcy, Manchester, div.—*Wm. Eccles*, Walton-le-Dale, Lancashire, cotton spinner, Dec. 1 at 12, District Court of Bankruptcy, Manchester, fin. div.—*Jane Walker*, Halifax, Yorkshire, linendraper, Dec. 9 at 11, District Court of Bankruptcy, Leeds, div.—*Joseph Shaije*, Keighley, Yorkshire, corn miller, Dec. 16 at 11, District Court of Bankruptcy, Leeds, div.—*Charles Hare*, Huddersfield, Yorkshire, manufacturing chemist, Dec. 5 at half-past 12, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Edw. Brock*, Sackville-street, Piccadilly, Middlesex, tailor, Dec. 8 at half-past 11, Court of Bankruptcy, London.—*John Winter*, Sandhurst, Kent, builder, Dec. 7 at 1, Court of Bankruptcy, London.—*Frederick Christopher Dodsworth*, Turnham-green, Middlesex, surgeon, Dec. 7 at half-past 1, Court of Bankruptcy, London.—*John Mellor*, Manchester, innkeeper, Dec. 6 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Michael Grouse*, Oxford-street, Middlesex, tailor.—*John Scovell*, St. George's-road, New Kent-road, Surrey, and Botolph-lane, London, fish salesman.—*Henry Bates* and *Charles Hitchman*, Adde-street, London, and Bristol, and Birmingham, straw-plait dealers.—*Edward Cowper Pyffe* and *Ebenezer Wathen Pyffe*, Howford-buildings, Fenchurch-street, London, merchants.—*Thomas Linnell*, Gresham-street, London, commission agent.—*Alfred Rogers*, Upper Marylebone-street, Middlesex, draper.—*Henry Hunt*, Heaton Norris, Lancashire, paper manufacturer.—*George Hirst*, Horncoat, Foulstone, Kirkbarten, Yorkshire, manufacturer.—*John Ireland*, Kingston-upon-Hull, draper.—*Jane Walker*, Halifax, Yorkshire, linendraper.

## PETITION ANNULLED.

*Robert Leabon Curtis* and *Edward Charles Curtis*, Stratford, Essex, builders.

## SCOTCH SEQUESTRATIONS.

*William Wright*, Edinburgh, tailor.—*John Templeton*, Kilmarnock, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Susannah Davis*, widow, Birmingham, carrier, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—*William Welch*, Birmingham, labourer, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—*John Dean*, Birmingham, haberdasher, Dec. 10 at 10, County Court of Warwickshire, at Birmingham.—*Richard Plastans*, Birmingham, butcher, Dec. 10 at 10, County Court of Warwickshire, at Birmingham.—*Samuel Hodges*, Birmingham, dealer in glass, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—*G. Reynolds*, Birmingham, coachman, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—*B. Stone*, Birmingham,

slipper manufacturer, Dec. 10 at 10, County Court of Warwickshire, at Birmingham.—*Henry Price*, Birmingham, night watchman, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Millicamp*, Mill-place, Stepney, Middlesex, accountant's clerk, Nov. 26 at 10, County Court of Warwickshire, at Birmingham.—*Samuel Tomlinson*, Birmingham, clerk, Dec. 10 at 10, County Court of Warwickshire, at Birmingham.—*David Phillips*, Cardiff, Glamorganshire, licensed hawk, Nov. 25 at 10, County Court of Glamorganshire, at Cardiff.—*James Dugmore*, Cardiff, Glamorganshire, beer-house keeper, Nov. 25 at 10, County Court of Glamorganshire, at Cardiff.—*Wm. Watson*, Cardiff, Glamorganshire, out of business, Nov. 25 at 10, County Court of Glamorganshire, at Cardiff.—*John Henry Kingston*, Cardiff, Glamorganshire, tailor, Nov. 25 at 10, County Court of Glamorganshire, at Cardiff.—*Isaac Phillips*, Cardiff, Glamorganshire, licensed hawk, Nov. 25 at 10, County Court of Glamorganshire, at Cardiff.—*Wm. Colman*, Broadcliff, Devonshire, bootmaker, Nov. 29 at 10, County Court of Devonshire, at Exeter.—*Thos. Marsden*, Saddleworth, Yorkshire, joiner, Dec. 3 at 11, County Court of Yorkshire, at Saddleworth.—*Arthur Edmund Buckell*, Newport, Isle of Wight, medical assistant, Nov. 29 at 10, County Court of Hampshire, at Newport.—*Frederick Chapple*, Bristol, stamper in the Bristol Post-office, Dec. 21 at 11, County Court of Gloucestershire, at Bristol.—*Stephen Vinceti*, Hythe, Kent, out of business, Dec. 2 at 11, County Court of Kent, at Hythe.

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 30 at 10, before the CHIEF COMMISSIONER.*

*Wm. Henry Smith*, St. George's-st. East, St. George's-in-the-East, Middlesex, eating-house keeper.

*Saturday, Nov. 12.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Thos. Munnings*, Crispin-st., Spitalfields, Middlesex, victualler, No. 45,557 T.; *Edward Mitchell Aston*, new assignee; *Henry Aston*, late assignee, deceased.—*John Pomeroy Ores*, Liverpool, out of business, No. 77,056 C.; *Richard Robbins* and *Thomas Hollick*, assignees.

*Saturday, Nov. 12.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*George Ernest Ibbotson*, Westmoreland-street, Marylebone, Middlesex, bill discounter: in the Queen's Prison.—*Charles Studdert Finaison*, Stratford-grove, Putney, Surrey, clerk in an insurance office: in the Queen's Prison.—*H. Mackenzie*, Milton-st., Cripplegate, London, bedding manufacturer: in the Debtors Prison for London and Middlesex.—*Bloomfield Webb*, Grosvenor-row, Pimlico, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Jabez Thomas Richardson*, Church-st., Bethnal-green, Middlesex, clothier: in the Debtors Prison for London and Middlesex.—*Henry Wakeford*, Clifton Lodge, Clifton-st., Wandsworth-road, Surrey, builder: in the Queen's Prison.—*Alex. Symons*, Southwark-bridge-road, Surrey, engineer: in the Gaol of Surrey.—*F. A. H. Stephenson*, Heath-st., Stepney, Middlesex, moulder: in the Debtors Prison for London and Middlesex.—*Joseph Bandano*, Great Portland-street, Oxford-street, Middlesex, tobaccoist: in the Debtors Prison for London and Middlesex.—*George Philips*, New Rutland-street, Turner-street, Mile-end-road, Middlesex, chronometer maker: in the Debtors Prison for London and Middlesex.—*A. Chalcraft*, Farnham, Surrey, veterinary surgeon: in the Gaol of Surrey.—*Edward W. Perry*, Bromley, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Turner*, Trinity-street, Rotherhithe, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Maria Lamb*, Stanmore-st., Caledonian-road, Middlesex, landlady: in the Debtors Prison for London and Middlesex.—*Robert*



*Nicol*, Idol-lane, Tower-street, City, ship store dealer: in the Queen's Prison.—*W. Trutch*, Rupert-street, Haymarket, Middlesex, not in any business: in the Queen's Prison.—*Abraham Corbett*, Adams-row, Hampstead-road, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*John Harrison*, Morley, Cheshire, labourer: in the Gaol of Chester.—*James Taylor*, Rochdale, Lancashire, grocer: in the Gaol of Lancaster.—*Nelson Cruttenden*, Battle, Sussex, butcher: in the Gaol of Lewes.—*James Bellerby*, St. Sidwell, Exeter, Devonshire, editor: in the Gaol of Exeter.—*Joseph Dove*, Lewisham, Kent, tailor: in the Gaol of Maidstone.—*Francis Philip Sleddon*, Stanley, near Liverpool, out of business: in the Gaol of Lancaster.—*Alex. Young*, Caroline-place, Lower-road, Deptford, Kent, coach builder: in the Gaol of Maidstone.—*John Bullen* the younger, West Lynn, St. Peter's, Norfolk, baker: in the Gaol of Norwich.—*Samuel Armstrong*, Friargate, Preston, Lancashire, earthenware dealer: in the Gaol of Lancaster.—*James C. Collier*, Heaton Norris, Lancashire, tailor: in the Gaol of Lancaster.—*Riley L. Haworth*, Blackburn, Lancashire, power-loom weaver: in the Gaol of Lancaster.—*Robert Spinks*, Feltwell, Norfolk, tailor: in the Gaol of Norwich.—*Mary Ann Gilbert*, Norwich, out of business: in the Gaol of Norwich.—*Wm. Clifton*, Samlesbury, near Preston, Lancashire, farmer: in the Gaol of Lancaster.—*John Lewis*, Manchester, baker: in the Gaol of Lancaster.—*Seth Norris*, Chorlton-upon-Medlock, Manchester, beer seller: in the Gaol of Lancaster.—*T. Milling*, Liverpool, commission agent: in the Gaol of Lancaster.—*John Maiker*, Liverpool, out of business: in the Gaol of Lancaster.—*James A. Marsden*, Manchester, provision-shop keeper: in the Gaol of Lancaster.—*J. Edington*, Liverpool, assistant iron manufacturer: in the Gaol of Lancaster.—*H. Ingram*, Blackburn, Lancashire, joiner: in the Gaol of Lancaster.—*George Brearley*, Thurlston, near Penistone, Yorkshire, cloth manufacturer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 29 at 11, before Mr. Commissioner MURPHY.*

*Wm. H. Mortimer*, Marsham-street, Westminster, Middlesex, grocer.—*James Daniel O'Connell*, St. David's-street, Great Dover-road, Surrey, attorney's clerk.

*Nov. 30 at 10, before the CHIEF COMMISSIONER.*

*John Prew*, Arthur-street, New Oxford-street, Middlesex, out of business.—*Paul J. A. Baillot de Guerville*, Abingdon-st., Westminster, Middlesex, teacher of the French language.

*Dec. 1 at 11, before Mr. Commissioner PHILLIPS.*

*George H. Cooper*, Castle-st. East, Oxford-st., Middlesex, short-hand writer.—*George Saunders*, Union-st., Borough-road, Southwark, Surrey, agent to the Anglo-Australian Insurance Company.—*Thomas Charles Burdon*, Burton-crescent, New-road, Middlesex, general merchant.—*Robert Barrett*, Pembroke-square, Kensington, Middlesex, out of business.

*Adjourned Hearing.*

*J. Jaques*, Cross-keys-square, Little Britain, Aldersgate, London, foreman to a carman.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hertfordshire, at HERTFORD, Nov. 28.*

*George Cook*, East Barnet, labourer.

*At the County Court of Gloucestershire, at BRISTOL, Nov. 30 at 11.*

*Wm. J. Youlten*, Bristol, commercial traveller.—*George Webb*, Bristol, auctioneer.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Thomas Parker Langham, Gent., of Hastings, Sussex, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Sussex.

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# The Jurist

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PRICE 1s.

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LONDON, NOVEMBER 26, 1853.

THE case of *Lumley v. Gye*, (2 Fl. & Bl. 216; 17 Jur., part 1, p. 827), which has been before the Courts of law and equity in various forms, was elaborately considered in the Court of Queen's Bench upon the point, whether an action could be maintained for procuring Miss Wagner to break her contract with the plaintiff to sing at his theatre. The result was a difference of opinion in the learned judges—Coleridge, J., holding that the action did not lie, while Wightman, Erle, and Crompton, JJ., delivered their judgments in favour of the plaintiff\*. It appears to have been admitted by all that an action would lie for seducing a servant, with notice that he was the servant of another, and that it was immaterial whether the service had been actually entered upon or not, so long as the contract of service was in force; but Coleridge, J., was of

opinion that this was an exceptional case, founded upon the Statute of Labourers, 25 Edw. 3, c. 1, and not to be extended beyond the class of servants therein enumerated, or such as are ejusdem generis. The Statute of Labourers, reciting, that in consequence of so many persons having died of the plague, excessive wages were required, and there was lack of ploughmen and such labourers, enacted that every person within the age of sixty years, not living in merchandise, nor exercising any craft, nor having of his own whereof he might live, nor proper land which he might till himself, should serve whoever might require him, at such wages as were given in 20 Edw. 3. In those days there was a summary way of disposing of strikes and other demands for a rise in wages on the part of workmen. This statute no doubt applied solely to workmen of low degree; but the majority of the judges in the Court of Queen's Bench held that the remedy for maliciously procuring a departure from a contract of service need not be so confined, but was applicable to all classes of the employed; and Wightman, J., expressed an opinion that the action was not originally founded on this statute, but that it lay at common law, though in a different form.

Two of the learned judges (Erle and Crompton, JJ.) intimated a very strong opinion that an action would lie for maliciously, or with notice, procuring the breach of any contract, and supported this view upon principle, by analogy, and such decisions as have proceeded from the Courts upon the subject.

The principle involved is found in Com. Dig., "Ac-

\* Lord Campbell, C. J., was absent.  
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tion upon the Case," A.:—"In all cases where a man has temporal loss or damage by the wrong of another, he may have an action on the case." The injuria and the damnum must concur, and the latter should be the natural or legal consequence of the former. Moreover, if the action be confined to the contracting parties alone, the measure of damages would often be inadequate for the wrong; while in an action against the one who maliciously procured the breach, full damage for the injury might be recovered.

The analogy is furnished by the well-established action for maliciously inducing a servant to leave his master.

The authorities upon the question are few in number, and not decisive either way. In the case of *Winsmore v. Greenbank* (Willes, 577) the defendant was held liable to an action for procuring a violation of the plaintiff's right under the marriage contract, e. g. by inducing his wife to continue absent from him, whereby he lost the comfort of her society, and the profit of an estate which had been devised to her. In *Sheperd v. Wakeman* (1 Sid. 79) it was held an actionable wrong to procure a breach of contract of marriage, by asserting that the woman (who was the plaintiff) was already married. In *Green v. Button* (2 C., M., & R. 707) it was decided, that procuring a breach of a contract of sale of goods by a false claim of lien was actionable. It is to be observed that the two latter cases include a false representation.

The decisions relied upon in support of the contrary view are *Ashley v. Harrison* (1 Esp. 48) and *Taylor v. Neri*, (2 Esp. 386), in which it was held that a manager of a theatre could not sue for a libel or assault on a performer, whereby she was prevented from appearing on the stage. These cases Erle, J., thought rightly decided, on the ground that it was not shewn that the intent of the defendant was to procure a breach of contract; and Wightman and Crompton, JJ., said that the damage in them was too remote. In *Vicars v. Wilcocks* (8 East, 1) an action for slander was held not maintainable when the damage alleged was the dismissal of the plaintiff by a third party before the contract of service was at an end; but this proceeded on the ground that the damage was not the natural consequence of the original slander, but of unauthorised communications made by those to whom the words had been uttered by the defendant. In *Morris v. Langdale*, (2 B. & P. 289), Lord Eldon doubted whether the plaintiff could sue for slander when the damage was, that persons refused to perform contracts with him (the plaintiff) in consequence. The foundation of the doubt seems to have been, that compensation might be obtained from those who had wrongfully broken their contracts; but it is clear that full compensation might not thus be obtained.

We have now laid before our readers the synopsis of a case which occupies fifty-three pages in Ellis & Blackburn's Reports, and we must leave them to form their own opinion upon the question involved in it, which is one undoubtedly of considerable importance.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—John Hostage, of Chester, in and for the city of Chester, also in and for the county of Chester; and John Oddin Taylor, of Norwich, in and for the city of Norwich, also in and for the county of Norfolk.

## THE STATUTE-LAW COMMISSION.

WE continue our extracts from Mr. Coode's papers\*:

"(3). But as to that more important independent substantive body of the common law, and the mass of authorities and decisions in which it is exhibited, very different considerations prevail. It is no part of the purpose of these papers to consider at all how this is to be affected. It is only conscious, intentional, avowed legislation, and not consolidation, which should be permitted to touch the substance either of the common law or of the statute law. Consolidation is not the substitution of one right, of one obligation, of one remedy, of one procedure, of one ministration, for another. This is legislation—an operation requiring for its due performance all the information, all the deliberation, all the public concurrence, all the disposal of the public force, that our legislative institutions can command and apply. Consolidation is a very different operation; it has its definite subject-matter provided for it beforehand, in terms selected, deliberated upon, and settled by the community and its appropriate agencies, and perhaps approved in practice by ages of experience. This matter is, perhaps, dispersed in very various quantities, at lesser or greater intervals; its expression may have all the defects incidental to language, aggravated by all the changes that language has undergone in course of time and change of fashion; it may be unsystematic, incongruous, inconsistent, even contradictory, and its order perverted in any degree. The task of the consolidator is to collect these dispersed expressions, to put them in an order according to their analogies, and thus to place each expression in immediate juxtaposition to that which has the closest relation to it, and thus, again, by an immediate comparison, to shew their relation, their analogy, their identity, or their incongruity; by this to suggest and display to the practical legislator the defect in one expression, the excess in another,—the accidental exclusions of appropriate subjects from one rule, the equally accidental inclusion of incongruous subjects under another, brought into one view at the same instant,—the useless multiplication of alternative provisions for the one case, the absolute deficiency of the requisite and analogous provisions for another. This is the task of the consolidator; feasible, indeed, by any single man fairly instructed and trained to the work, quite independently of public authority or power, but arduous and difficult enough in itself without any trespass on the domain of practical legislation; and when well performed, this work, thus limited, will have supplied to the legislator himself a vast field, a vast material, many useful suggestions, and great practical facilities for the exercise also of his appropriate function.

"(4). The task of consolidation is simple in regard to the statute law, for so much of this as is of general importance is all contained within the limits of some forty quarto volumes, and what is really in force constitutes but a very small part even of these. It is all already expressed in some terms, printed, and accessible in the very same letters to every man. However wide the differences in the interpretation that one man or another may put upon them, these terms themselves are still there in print, unchanged, and always producible to test the justness of every applied interpretation, judicial or non-judicial.

"It is widely wholly different with the common law, which consists in the principles exemplified in and deducible from the free usage of the community, and includes all that practice can possibly develop, or

\* In our last article, at p. 460, line 6 from the top, for formula, read formulae; and in line 11 from the bottom, for ever, read even.

scientific reason consistently apply to all cases arising in the whole course of time. Its operation is exemplified in innumerable text-books and reports of decisions; but its terms and limits are nowhere laid down authoritatively, except only so far as it is excluded by statute. To fix the common law definitively in the language of this day is to paralyse judicial interpretation—to arrest the expansion and application of its doctrines to the course of events and the developing circumstances of successive times. The Legislature itself in England has never attempted it. Declaratory acts, which appear sometimes to declare the effect of the common law, never, in fact, do more than include a doubtful, perhaps a new, case within its operation. Authors, counsel, judges, sometimes attempt to define its limits, and some of them have, in some instances, done it with more or less success; but the greatest success in this way compels acquiescence in the definition only just so long as the definition is found to be consistent with the facts and circumstances to which it comes to be applied. It is attacked, modified, overthrown, so soon as occasion demonstrates its further inapplicability.

"To consolidate the common law, then, is to change its present expansible character entirely—to render from the moment of that operation its interpretation and application a miserable construction of mere forms of words, instead of a development, by induction, deduction, and analogy, of all necessary consequences and all consistent inferences from principles manifest in known practice and decided cases, but as yet unrestricted by any fixed form of words. This would be, in fact, not consolidation, but a most extensive and unprecedented exercise of legislative power—one as yet never arrogated by the Legislature itself.

"What the Legislature has done, and can always do beneficially, is merely to take, from time to time, out of the domain of the common law so much as appears practically to require the application of another rule than that of the common law. This is usually done with all possible safeguards against hasty and excessive encroachment on its principles. But being so done, the statutory rule which supersedes the common law, being limited by the terms in which it is expressed, is susceptible of reconstruction, translation, division, analysis, and recombination, as all other intelligible forms of words are, without danger, if proper care be used, either of extending or contracting its sense or operation. And this, which is constantly done with manifest advantage, is understood in these papers to be the sole object at present of the process of consolidation; and accordingly the whole tenor of the observations in these papers is confined to the consideration, how this statutory matter may be best reproduced in a new statutory form without change of its effect or extent, and without encroachment on the common law.

"(5). Again: these papers stop short of the attempt to reduce the law into a systematic code, or even to advocate such an attempt. In truth, the writer does not consider the object to be at present either feasible or desirable.

"No doubt a nation, having one homogeneous common law, developed by its own free usages in 1400 years, administered universally and consistently by one undivided judicature, amended and expanded in all such a period by one undivided Legislature, might, in some caprice or under some hallucination, resolve to have all the flexible and expansive principles of its common law fixed and cramped in the words and forms of a statute or code. But no such folly has ever yet, in fact, possessed even a village, still less an empire thus happily circumstanced. The Roman edicts and codes before Justinian, and his digest, and codes, and novels, were nothing of this kind. There was no common law in the multitudinous provinces of the Roman

empire, and the Digest itself is but an undigested, though meritorious, collection of cuttings and scraps taken verbatim et literatim from the works of jurisprudential writers of more or less repute and authority; and the Code is an appendix of occasional and arbitrary edicts of successive emperors, arranged with some method, but in no respect resembling a code such as is recommended in recent times. The French Code was a resource of necessity, imposed, not chosen, upon the breaking up of innumerable provincial and local customs, upon the sudden introduction of a common national legislature and common tribunals, and where there was no semblance of a pre-existing common law. It was such a case as the sudden extension of one authority throughout the Heptarchy might have been, if multiplied in its operation about sixfold, and is as little applicable to the present circumstances of England and its common law, the slow, deliberate, free, popular, and homogeneous product of 1400 years of usage, legislative effort, political contest, and revolution of an undivided nation, and a concentrated legislature and administration. It would be out of place here to pursue this topic; but it seems safe to assume, that, without clear and express commission to do so, it would be a rash usurpation of a most perilous function to attempt to reduce all the expansible and infinitely developable principles of the common law of England into the terms and forms expressive of the conceptions of a compiler of the year 1853.

"(6). It is assumed, then, in these papers, that the statute law, already reduced to terms, and producible, is to be cleared of manifest superfluities, reduced to order by a methodical arrangement without change of parts, and that a consistent construction as to language is to be adopted also, so far as this involves no change in effect; but that all such changes in effect, whether in the statute law itself, and still more in the common law, however palpably justified by the process of consolidation, are still to be left to the ordinary course of practical legislation. In fine, these papers contemplate, not the policy or the practical motives of legislation, but only the form and the expression in which the statute law may be most conveniently and best exhibited, either in one operation, as in a consolidated act, or in successive operations, in the amendments which circumstances and experience from time to time require. They recommend no change in substance whatsoever, but, on the contrary, aim at the reproduction only of the identical effect of the existing law, and the literal and implicit and ministerial fulfilment of whatsoever may be the future and varying purposes of the Legislature.

"(7). Having so limited a purpose as these papers, it is somewhat beside the question here to inquire whether codification, in the sense in which most of its advocates recommend it, be, in truth, even a possible operation. It seems to many to be a very desirable thing that the whole body of the law of a country should be reduced within the compass of a portable volume—if possible, to a few compendious rules of the utmost generality and simplicity of expression; and it is to a systematising mind an easy and pleasant exercise to frame such abstractions as are thus contemplated. Indeed, the less the experience, and the less the materials, and the fewer the occasions for practical legislation or jurisprudence, the more simple, the more general is the law and the jurisprudence of every community; and when population is increased, and interests are complicated and occasions multiplied, the great and often the intolerable evil of the law has been, that rules of extreme simplicity have been still applied with a too simple and rigid logic, and extended by too subtle and speculative refinement to multitudes of cases practically requiring special, peculiar, and appropriate and varied provisions.

"On the other hand, the characteristic of our modern English legislation is, that it is sensible to all the influences of public and private interest; that it rapidly and incessantly varies the law for every variety of interest—for every change of circumstance; that, however often it may fail in its intention to fit a class of cases, its efforts to modify and adjust the law to the exigencies of every interest are persevering and unremitting. It is the resulting confidence that every proved grievance will, if possible, have its remedy—that every circumstance which renders the letter of the law oppressive will be admitted as a reason for special modification of the law—that justly begets a sense in every man that the law in England is not a tyranny—is not an oppression, but is his personal individual protection and defence.

"Bulk is no doubt an evil; multifariousness is no doubt inconsistent with simplicity; but bulk and multifariousness are inseparable from opulence and varied and multiform utility. In legislation, in jurisprudence, as in all other practical arts, we cannot have at the same time the simplicity of abstract science and the variety of appliance required by an advanced and varied condition of life. Simplification of expression is the proper aim of the philosopher and the professor; but special utility, neatness, accuracy, fitness of adjustment to every individual's circumstances and wants, are the proper aim of every practitioner in every art. To abandon variety and completeness of practical detail, in order to reduce the mass of the law or attain a formal simplicity of expression, would be, at present, both a premature and a retrograde step. The extensive practical changes recently made, and still making and impending, are enough to prove how premature it would be to formularise, however skilfully, the rules or principles of the existing law, which is still in a course of rapid evolution and of varied improvement in detail, in which the consideration of formal congruity is subordinate to the more immediate object of realising the greatest amount the circumstances of the day allow of plain working practical amendment.

(To be continued).

#### GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S INN.**—Walker Skirrow, jun., Esq., M.A.; Charles Spencer Perceval, Esq., LL.B.; Horace Broke, Esq., M.A.; Turpithoe William Erle, Esq., M.A.; Edward Forster Neale, Esq., B.C.L.; Frederick William Bosworth, Esq., M.A.; William Parker Hamond the younger, Esq., M.A.; Charles Harcourt Chambers, Esq., M.A.; George Russell, Esq., M.A.; Theo. Aston, Esq., M.A.; John William Hornsby, Esq.; Thomas Joseph Bradshaw, Esq., B.A.; John Singleton Winder, Esq., B.A.

**MIDDLE TEMPLE.**—George Bilborrow Hughes, Esq., M.A., Jesus Coll., Camb.; Edward Irvine Howard, Esq., B.A., Lincoln Coll., Oxford; John Marriott, Esq., B.A., St. Peter's Coll. Camb.; Henry James Slack, Esq.; John Stuart Glennie, Esq.; Charles Edward Coleridge, Esq., B.A., St. Mary's Hall, Oxford; James Charles Whitehorne, Esq., B.A., London Univ.; Bridges Carmichael Hooke, Esq., B.A., Trin. Coll., Dublin; Butler Cole Aspinall, Esq.; Alfred Gutteres Henriques, Esq.; Thomas Brooke, Esq.; Frederick Merrifield, Esq.; John Aubrey Jephson Morreys, Esq., B.A., Trin. Coll., Dublin.

**INNER TEMPLE.**—Arthur Milman, Esq.; Thomas Humber, Esq., M.A.; Frederick M. White, Esq., B.A.; Edward B. Lomer, Esq., B.A.; Henry W. Bent, Esq., B.A.; Edward Twopeny, Esq.; James Smith,

Esq., B.A.; George Meek, Esq., M.A.; Henry Holden, Esq., B.A.; Henry Mison, Esq., B.A.; Stamford Hutton, Esq.; Henry M. Vane, Esq.; Samuel H. Blackmore, Esq.; G. C. D. Lewis, Esq.

#### London Gazette.

FRIDAY, NOVEMBER 18.

#### BANKRUPTS.

**WILLIAM CREEBO** and **JOHN HAY**, Mount-street, Lambeth, Surrey, tailors and clothiers, dealers and chapmen, Nov. 29 at half-past 1, and Dec. 29 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Buchanan, Basinghall-street.—Petition filed Nov. 18.

**EDWIN DENNIS**, Rickmansworth, Hertfordshire, licensed brewer and wine merchant, dealer and chapman, Nov. 30 at half-past 1, and Dec. 28 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Abbott & Co., 8, New-inn, Strand.—Petition filed Nov. 16.

**AUGUSTUS FISHER**, Mincing-lane, London, colonial broker, dealer and chapman, (carrying on business under the style or firm of Foakes & Fisher), Nov. 28 at 12, and Dec. 23 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Thomas, 3, Ely-place, Holborn.—Petition dated Nov. 18.

**HENRY BIGGS**, late of Bermondsey-street, Southwark, Surrey, and now of Brunswick-place, Loompit-hill, Lewisham-road, Deptford, Kent, gelatine manufacturer, (trading under the style or firm of Bridgman & Co.), Nov. 25 at 2, and Dec. 31 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Messrs. Linklater, 17, Sise-lane, London.—Petition dated Nov. 15.

**ROBERT JONES WILLIAMS**, Birmingham, linendraper, dealer and chapman, Dec. 1 and 29 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Hampson & Son, Manchester; Hodgson, Birmingham.—Petition dated Nov. 14.

#### MEETINGS.

**Edward Smalwood**, Crigglestone, Sandal Magna, Yorkshire, schoolmaster, Nov. 30 at 1, Court of Bankruptcy, London, pr. d.—**Moses Preston**, Wakefield, Yorkshire, surgeon, Dec. 1 at 11, District Court of Bankruptcy, Leeds, ch. ass.—**Wm. Salmon**, Manchester, leather seller, Nov. 30 at 12, District Court of Bankruptcy, Manchester, last ex.—**Thomas Pickford**, Greenwich, Kent, butcher, Dec. 7 at 12, Court of Bankruptcy, London, aud. ac.—**John Winter**, Sandhurst, Kent, builder, Dec. 7 at 12, Court of Bankruptcy, London, aud. ac.—**Philip Wesley Hardwick**, Regent-street, Middlesex, dealer in ribbons, Dec. 7 at half-past 1, Court of Bankruptcy, London, aud. ac.; Dec. 12 at 2, div.—**J. Leech**, Newton Moor, near Hyde, Cheshire, shopkeeper, Nov. 29 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**John Holden**, Liverpool, money scrivener, Nov. 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Miles Sumner**, Liverpool, brewer, Nov. 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**George Dardier**, Liverpool, merchant, Nov. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**John Fowler**, Clifton, Bristol, and Westbury-upon-Trym, Gloucestershire, builder, Dec. 8 at 11, District Court of Bankruptcy, Bristol, aud. ac.—**Geo. Chadwick**, Leeds, Yorkshire, grocer, Dec. 5 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.—**Charles Hart**, Huddersfield, Yorkshire, manufacturing chemist, Dec. 5 at 12, District Court of Bankruptcy, Leeds, aud. ac.—**Jane Walker**, Halifax, Yorkshire, linendraper, Dec. 8 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Joseph Scaife**, Keighley, Yorkshire, corn miller, Dec. 15 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**William Arthur Watson**, Whitacre, Warwickshire, builder, Nov. 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Wm. Richardson**, Lombard-street, London, merchant, Dec. 12 at 1, Court of Bankruptcy, London, div.—**James Harper Gibbons**, Wood-street, Chesham, London, straw hat warehouseman, Dec. 12 at 12, Court of Bankruptcy, London, div.—**Jos. Bates**, Stevenage, Hertfordshire, builder, Dec. 13 at 12, Court of Bankruptcy, London, div.—**Gordon John James Grant**, Liverpool, tobacco broker, Dec. 9 at 11, District Court of Bankruptcy, Liverpool, div.



## CERTIFICATES.

to be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Allen Stewart Hay*, Old Broad-street, London, shipowner, Dec. 13 at 11, Court of Bankruptcy, London.—*John Haddon*, Plymouth, Devonshire, beer brewer, Dec. 12 at half-past 1, District Court of Bankruptcy, Exeter.—*Rebecca Allen*, Alfreton, Derbyshire, innkeeper, Dec. 10 at 12, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

*Thomas Jardine*, Liverpool, stone mason.—*Jas. Robinson*, Ideawell, Derbyshire, corn factor.—*George Wynn*, Scarborough, Yorkshire, linen draper.—*Wm. Laycock*, Bradford, Yorkshire, innkeeper.

## FIAT ANNULLED.

*William Wreford*, (since deceased), *Edwin Cox Nicholls*, and *Wm. Ellicombe Wreford*, Bristol, stock brokers, (trading under the several styles or firms of Wreford, Nicholls, & Wreford; Wreford, Nicholls, & Co.; and Nicholls, Wreford, & Co.)

## PARTNERSHIP DISSOLVED.

*William Mitchell* and *Richard George Fern Minty*, Petersfield, Southampton, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

*James Bennett*, Edinburgh, writer to the signet.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Wm. Evans*, Swansea, Glamorganshire, bookbinder, Nov. 22 at 10, County Court of Glamorganshire, at Swansea.—*W. Williams*, Swansea, Glamorganshire, tailor, Nov. 22 at 10, County Court of Glamorganshire, at Swansea.—*Wm. Bennett*, Swansea, Glamorganshire, baker, Nov. 22 at 10, County Court of Glamorganshire, at Swansea.—*William Phillips*, Prendergast, Haverfordwest, Pembrokeshire, cooper, Dec. 9 at 10, County Court of Pembrokeshire, at Haverfordwest.—*Job Wigley*, Manchester, grocer, Dec. 12 at 12, County Court of Lancashire, at Manchester.—*J. Robatham*, Chorlton-upon-Medlock, Manchester, bookkeeper, Dec. 12 at 12, County Court of Lancashire, at Manchester.—*John Hardy*, Chorlton-upon-Medlock, Manchester, painter, Dec. 12 at 12, County Court of Lancashire, at Manchester.—*Jos. Nettleton*, Manchester, tailor, Dec. 12 at 12, County Court of Lancashire, at Manchester.—*Thos. Worship*, Wellington, Lincolnshire, harness maker, Dec. 7 at 11, County Court of Lincolnshire, at Sleaford.—*Wm. Dyson*, Redditch, Worcestershire, grocer, Dec. 17 at 10, County Court of Worcestershire, at Redditch.—*Solomon Gillett*, Cheltenham, Gloucestershire, grocer, Dec. 20 at 10, County Court of Gloucestershire, at Cheltenham.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Dec. 2 at 10, before the CHIEF COMMISSIONER.

*James Vickers Wedgwood*, Strand, Middlesex, engraver.—*Jas. Hicks* the elder, Cromwell-buildings, near the Suspension Bridge, Hammersmith, Middlesex, gas-lamp lighter.

Dec. 5 at 10, before the CHIEF COMMISSIONER.

*Charles Christopher Cusack Geary*, Cable-st., Wellclose-square, Whitechapel, Middlesex, cheesemonger.—*Robert Rawlins*, Mary-street, Hampstead-road, Middlesex, carver and gilder.

Dec. 5 at 11, before Mr. Commissioner PHILLIPS.

*Samuel Insull*, York-road, Albany-road, Old Kent-road, Surrey, dairyman.—*Adam Elphinstone*, Rider's-court, Leicester-square, Middlesex, tailor.—*John Garrahan*, Pembrokeshire, Notting-hill, Kensington, Middlesex, out of business.—*Eugene Reilly*, Belle Vue Cottage, Honor Oak, Forest-hill, Surrey, plasterer.—*John Leonard*, Hungerford-st., Strand, Middlesex, shell-fishmonger.—*Robert Bartlett*, Tottenham-court-road, Middlesex, straw hat manufacturer.—*Harriet*

*Hill*, Charlotte-st., Caledonian-road, Islington, Middlesex, out of business.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Dec. 2 at 11, before Mr. Commissioner MURPHY.

*Herbert Mackenzie*, Milton-st., Cripplegate, London, bedding manufacturer.—*Joseph Bandano*, Windmill-st., Haymarket, Middlesex, tobacconist.

Dec. 3 at 11, before Mr. Commissioner PHILLIPS.

*Geo. Henry Ounsted Shove*, Long-acre, Middlesex, decorative artist.—*Frederick Alfred Henry Stephenson*, Heath-street, Stepney, Middlesex, moulder.

Dec. 5 at 10, before the CHIEF COMMISSIONER.

*Bloomfield Webb*, Grosvenor-row, Piccadilly, Middlesex, cheesemonger.—*Edgar Barnes*, Nichol-square, Hackney-road, Middlesex, out of business.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER, Dec. 2 at 12.

*Richard Holden*, Grimehills, Over Darwen, near Blackburn, quarryman.—*Wm. Holden*, Blackburn, Over Darwen, near Blackburn, blacksmith.—*John Leedam*, Lower House, near Burnley, tailor.—*Richard Shaw*, Preston, beerseller.—*James C. Collier*, Heaton Norris, tailor.—*Samuel Armstrong*, Preston, glass dealer.—*John Lewis*, Manchester, baker.—*Seith Norris*, Manchester, milkseller.—*Henry Ingram*, Blackburn, joiner.—*R. L. Haworth*, Blackburn, power-loom weaver.—*Wm. Clifton*, Samlesbury, near Preston, small farmer.—*J. A. Marsden*, Hulme, Manchester, provision-shop keeper.—*T. Milling*, Liverpool, commission agent.—*J. Mather*, Liverpool, foreman to a joiner.—*W. E. Duncan*, Salford, architect.—*R. Patchett*, Liverpool, out of business.—*Joseph Partington*, Rochdale, attorney-at-law.—*F. P. Sleddon*, Stanley, near Liverpool, out of business.—*Richard Winder*, Blackpool, shoemaker.—*G. Alcock*, Hulme, Manchester, bookkeeper.—*John Brownell*, Salford, engraver to calico printers.—*John Edington*, Liverpool, engineer's assistant.

At the County Court of Northamptonshire, at NORTHAMPTON, Dec. 7.

*John Bullen*, Oundle, artist.—*Abijah Smith*, Northampton, shoe manufacturer.

## INSOLVENT DEBTORS' DIVIDENDS.

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*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

## TUESDAY, NOVEMBER 22.

### BANKRUPTS.

**JOSEPH ROWE**, Hunter-street, Kent-road, Surrey, but late of Colchester, Essex, baker, dealer and chapman, Dec. 1 at half-past 12, and Dec. 29 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wilson, 16, Gresham-street, London.—Petition filed Nov. 19.

**LARRATT D. SHIELDS**, Lime-street, London, merchant, (trading under the style or firm of Larratt D. Shields & Co.), Dec. 2 at 1, and Jan. 13 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Vandercour & Co., 23, Bush-lane, Cannon-street.—Petition filed Nov. 14.

**ROBERT FREDERICK COOPER**, Three Colt-street, Limehouse, Middlesex, oil and colour man, Dec. 2 at half-past 11, and Jan. 3 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Buchanan, 8, Basinghall-street.—Petition filed Nov. 19.

**THOMAS DAVIES**, Rosemary-lane, otherwise Royal Mint-street, Middlesex, cowkeeper, Dec. 2 at half-past 1, and Jan. 3 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Turner & Sons, 8, Mount-place, White-chapel.—Petition filed Nov. 19.

**JOHN SINGLE**, Bath-street, East India-road, Poplar, Middlesex, builder, dealer and chapman, Nov. 28 at 1, and Jan. 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Barrow, 15, Old Jewry-chambers, London.—Petition dated Nov. 21.

**JOHN HODGES and JOHN FOSTER HODGES**, New Bond-street, Middlesex, hosiers, gloves, and shirt makers, dealers and chapmen, (carrying on business under the firm or style of Hodges & Son), Nov. 28 at 2, and Dec. 7 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Depree & Auston, 9, Lawrence-lane, Cheapside.—Petition dated Nov. 21.

**HUGH WILLIAMS the younger**, West Smithfield, London, tailor and commission agent, dealer and chapman, (carrying on business with Hugh Williams the elder and John Williams as tailors and commission agents), Nov. 28 at half-past 11, and Jan. 7 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Sheard & Baker, 6, Old Jewry, London.—Petition dated Nov. 4.

**ELIZA LLOYD**, Wigmore-street, Cavendish-square, Middlesex, late of New Bond-street, dressmaker, dealer and chapwoman, Dec. 5 at 12, and Dec. 27 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Steinberg, 32, Bread-st., Cheapside, London.—Petition filed Nov. 21.

**JOSEPH BRADSTREET**, Pearson-street, Kingsland-road, and Great Cambridge-st., Hackney-road, Middlesex, miller, baker, and flour factor, dealer and chapman, Dec. 1 at 2, and Dec. 27 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Moss, 86, Queen-street, Cheapside, London.—Petition filed Nov. 18.

**JAMES WOODS**, West Mill, Buckfastleigh, Devonshire, miller, dealer and chapman, Dec. 1 and 22 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Edmonds & Sons, Plymouth; Stogdon, Exeter.—Petition filed Nov. 10.

### MEETINGS.

*John Bradbury*, Moseley-road, Worcestershire, dealer in copper ores, Dec. 6 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Richard L. Swallow*, Nine Elms, Battersea, Surrey, licensed victualler, Dec. 13 at 1, Court of Bankruptcy, London, aud. ac.—*Joseph Raleigh*, *Thomas S. Goode*, and *Wm. Holland*, Manchester, merchants, Dec. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac., and Dec. 15 at 12, div. sep. est. of *Joseph Raleigh*.—*James R. Hunt*, Manchester, flour dealer, Dec. 10 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 16 at 12, div.—*John Fegan*, Lincoln, draper, Dec. 14 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; at half-past 12, fin. div.—*Isaac Timmins*, Dudley, Worcestershire, charter master, Dec. 5 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*John Walker*, Upper Seymour-street, Edgeware-road, Paddington, Middlesex, lodging-house keeper,

Dec. 9 at half-past 11, Court of Bankruptcy, London, div.—*T. Bush*, *H. Ferguson*, and *D. M. Liddell*, London-street, London, and Calcutta, East Indies, merchants, Dec. 9 at 1, Court of Bankruptcy, London, div. sep. est. of *T. Bush*.—*Stevens Tripp*, Adelaide-place, King William-street, London, money scrivener, Dec. 15 at 11, Court of Bankruptcy, London, div.—*Margaret Edmonds*, Arlington-street, St. James's, Middlesex, and Hearn-hill Cottage, Hearn-hill, Surrey, boarding-house keeper, Dec. 16 at 11, Court of Bankruptcy, London, div.—*John L. Hopkins*, Star-corner, Bermondsey, Surrey, draper, Dec. 15 at 12, Court of Bankruptcy, London, div.—*John Knight the elder* and *John Knight the younger*, Walham-green, Middlesex, butchers, Dec. 13 at 2, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *J. Knight the elder*.—*J. H. Arnold* and *Wm. H. Woollett*, Clement's-lane, London, ship agents, Dec. 16 at 11, Court of Bankruptcy, London, div.—*Jacob Meane* and *W. Meane*, Brighton, Sussex, brewers, Dec. 20 at 12, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *J. Meane*.—*Robt. Wilson*, Cambridge, grocer, Dec. 16 at 12, Court of Bankruptcy, London, div.—*Robert Kipling* and *Wm. Atkinson*, Wood-street, Cheapside, London, warehousemen, Dec. 13 at half-past 12, Court of Bankruptcy, London, div. joint est.; at half-past 12, fin. div. sep. est. of *R. Kipling*.—*Henry Banks*, Bethnal-green-road, Middlesex, carpenter, Dec. 20 at 2, Court of Bankruptcy, London, div.—*Benj. Wyon*, Regent-street, Middlesex, engraver, Dec. 20 at 12, Court of Bankruptcy, London, div.—*John Danby*, Wellington, Shropshire, grocer, Dec. 5 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 23 at 10, div.—*Wm. Wood*, Bristol, provision merchant, Dec. 22 at 11, District Court of Bankruptcy, Bristol, fin. div.—*John Chell*, Manchester, colourman, Dec. 12 at 12, District Court of Bankruptcy, Manchester, div.—*Wm. James Ferris*, Liverpool, merchant, Dec. 13 at 11, District Court of Bankruptcy, Liverpool, div.—*Thomas Tucker* and *John Tucker*, Liverpool, ship builders, Dec. 13 at 11, District Court of Bankruptcy, Liverpool, div.—*Frances I. Dagnall* and *J. W. Fairclough*, Liverpool, wholesale comb manufacturers, Dec. 14 at 11, District Court of Bankruptcy, Liverpool, div.—*W. Bolderson*, Liverpool, wholesale grocer, Dec. 13 at 11, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Strutt*, Catherine-street and Buckingham-st., Strand, Middlesex, newspaper proprietor, Dec. 15 at 11, Court of Bankruptcy, London.—*Wm. Howlings*, Basing, Hampshire, miller, Dec. 9 at 1, Court of Bankruptcy, London.—*James Bowker*, Hyde, Cheshire, innkeeper, Dec. 14 at 12, District Court of Bankruptcy, Manchester.—*Wm. F. Corbell*, Worcester, linendraper, Dec. 14 at 11, District Court of Bankruptcy, Birmingham.—*Edward Harper*, Stamford, Lincolnshire, draper, Dec. 23 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Robert Baxter*, Wisbech St. Peter, Cambridgeshire, carrier.—*Henry Ashdown*, Welling, East Wickham, Kent, wheelwright.—*George Smith*, Manchester, hatter.—*Frances I. Dagnall*, Liverpool, wholesale comb manufacturer.

### FIAT ANNULLED.

*Wm. Thomas Ferris*, Charles-street, St. Margaret, Westminster, Middlesex, carpenter.

### SCOTCH SEQUESTRATIONS.

*Simeon P. Cohen*, Glasgow, optician.—*Thomas Ritchie*, Bowhouse, near Alloa, farmer.—*Alexander Nairne*, Edinburgh, writer.—*John Fraser*, Invergordon, merchant.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Warwick*, Kirkby Stephen, Westmoreland, joiner, Dec. 14 at 11, County Court of Westmoreland, at Appleby.—*Charles Jennings*, Nailsea, Somersetshire, in no business, Dec. 28 at 11, County Court of Gloucestershire, at Bristol.—*Joseph Harrington*, Laybourne and Wrotham, Kent, farmer, Dec. 6 at 12, County Court of Kent, at Maidstone.—*John Hooper*, Narford, Norfolk, butler, Dec. 8 at 10, County Court of Nor-

folk, at Swaffham.—*Thomas Lewis*, Risca, Monmouthshire, collier, Dec. 7 at 12, County Court of Monmouthshire, at Newport.—*James Jacob*, Trosnant, Trevechin, Monmouthshire, timber merchant, Dec. 13 at 10, County Court of Monmouthshire, at Pontypool.

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 7 at 10, before the CHIEF COMMISSIONER.*

*John Thomas Sallaway*, Bute-street, Brompton-road, Old Brompton, Middlesex, barman.

*Saturday, Nov. 19.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*George Madeley*, Foston, Derbyshire, farming bailiff, No. 10,293 C.; *Thomas Bladon*, assignee.—*James Wilson*, Keswick, Crosthwaite, Cumberland, blacksmith, No. 24,029 C.; *John Airey*, assignee.—*Wm. Henry Butterfield*, Belinda-cottages, Canonbury, Islington, Middlesex, registrar of births, No. 59,459 T.; *John Holmes Elford*, assignee.—*S. Cozel*, Worsted, Norfolk, farm labourer, No. 77,203 C.; *Alfred Sparke*, assignee.—*Joseph Pitchers Hastings*, South Deves, Great Yarmouth, Norfolk, boat builder, No. 77,200 C.; *R. Steward* and *Samuel John Fill*, assignees.—*James Cleithro*, Sheffield, Yorkshire, file manufacturer, No. 77,163 C.; *H. Howgate*, assignee.

*Saturday, Nov. 19.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Daniel Horton* the elder, Binglefield-st., Caledonian-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Duncan Maclean*, Britannia-terrace, City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Thomas Stephens*, Blucher-road, High-st., Camberwell, Surrey, clerk to an assurance office: in the Debtors Prison for London and Middlesex.—*James Croft*, South Fields, Wandsworth, Surrey, licensed victualler: in the Queen's Prison.—*Joseph Bennett Hanson*, Upper Clifton-st., Finsbury, Middlesex, town traveller: in the Debtors Prison for London and Middlesex.—*Frederick L. Moore*, Blackfriars-road, Surrey, wine merchant: in the Gaol of Surrey.—*Wm. Mitchell*, Upper Thames-st., London, tinplate worker: in the Debtors Prison for London and Middlesex.—*Richard Pridmore*, Trigon-terrace, Kennington, Surrey, proprietor of the Linwood Gallery: in the Debtors Prison for London and Middlesex.—*John William Herbert*, Prospect-place, Queen's-road, Dalston, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*Henry Swithen Joseph Thew*, George-st., Portman-square, Middlesex, envelope manufacturer: in the Debtors Prison for London and Middlesex.—*Wm. Free Parslow*, St. Andrew's-road, Newington, Surrey, timber dealer: in the Gaol of Surrey.—*James Zacharias Williams*, Upper Stamford-st., Blackfriars, Surrey, optician: in the Debtors Prison for London and Middlesex.—*John Smeed*, Drummond-crescent, Euston-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*James Richmond Smith*, New Oxford-st., Middlesex, business agent: in the Debtors Prison for London and Middlesex.—*John Rowe*, Maryland Point, Stratford, Essex, auctioneer: in the Debtors Prison for London and Middlesex.—*John Barwise*, Grove-lane, Camberwell, Surrey, out of business: in the Gaol of Surrey.—*John Newman*, Farnham, Surrey, furniture dealer: in the Gaol of Surrey.—*H. Allen*, Duncans, Brecknock-crescent, Camden New-town, Middlesex, surgeon: in the Queen's Prison.—*John Procter*, Wakefield, Yorkshire, out of business: in the Gaol of York.—*Thomas Poulson*, Atworth, near Melkham, Wiltshire, innkeeper: in the Gaol of Wilts.—*John Jagger*, Tunnacliffe-hill, Almondsbury, near Huddersfield, Yorkshire, farmer: in the Gaol of York.—*John Roebuck*, Holmfirth, Yorkshire, manufacturer: in the Gaol of York.—*Henry Puppelt*, Barnley, Lancashire, out of business: in the Gaol of Lancaster.—*John Murray*,

Sunderland, Durham, out of business: in the Gaol of Durham.—*Edw. Preston*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Charles Duckhouse*, Crook Hay, West Bromwich, Staffordshire, labourer: in the Gaol of Stafford.—*Richard Green*, Brunswick-place, Horselydown, Southwark, Surrey, master mariner: in the Gaol of Maidstone.—*Robert Murrell*, Portland-terrace, Lower-road, Rotherhithe, Surrey, commission agent: in the Gaol of Maidstone.—*John Staniforth*, Ecclesall, near Sheffield, Yorkshire, grinder: in the Gaol of York.—*Daniel Genn*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*J. Haines*, New Hincsey, Berkshire, turnpike toll collector: in the Gaol of Reading.—*Edward Horlock Mortimer*, Brighton, Sussex, captain in the militia: in the Gaol of Lewes.—*Henry Lewis*, Frome, Selwood, Somersetshire, watchmaker: in the Gaol of Wilton.—*Henry A. D. Main*, Exeter, commercial traveller: in the Gaol of Exeter.—*Thos. J. Herapath*, Bristol, architect: in the Gaol of Bristol.—*Elizabeth Clark*, Terrington St. Clement, Norfolk, farmer: in the Gaol of Norwich.—*Henry Cox*, Farnham Royal, Buckinghamshire, wheelwright: in the Gaol of Aylesbury.—*Henry Charles*, Hyde-street, Deptford, Kent, carpenter: in the Gaol of Maidstone.—*T. Cummins*, Evelyn-street, Lower-road, Deptford, Kent, carpenter: in the Gaol of Maidstone.—*Thos. Badman*, Bradford, Yorkshire, fruiterer: in the Gaol of York.—*Geo. Shaw*, Lockwood, near Huddersfield, Yorkshire, out of business: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 6 at 11, before Mr. Commissioner MURPHY.*

*David Andrade*, Southampton-street, Strand, Middlesex, out of business.—*Stephen Burnham*, Sherbourne-street, Paddington, Middlesex, out of business.—*Thomas Jonah Joy*, Vernon-terrace, Portobello-road, Notting-hill, Middlesex, a pensioner in the Coast Guard Service.—*John Jefferis*, Cannon-street, London, pickle manufacturer.

*Dec. 7 at 10, before the CHIEF COMMISSIONER.*

*Wm. Richard Foster*, Lower Mitcham, Surrey, carpenter.—*Richard Pyne*, Brook-street, Ratcliffe, Middlesex, broker.

*Dec. 8 at 11, before Mr. Commissioner MURPHY.*

*Richard Butler*, Market-street, Edgeware-road, Paddington, Middlesex, coachsmith.—*Thos. Honnor*, French Horn-yard, Holborn, Middlesex, carman.—*Andrew Chalcraft*, Farnham, Surrey, veterinary surgeon.—*J. Craft*, South-fields, Wandsworth, Surrey, licensed victualler.

*Dec. 8 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Thomas Stephens*, Blucher-road, High-street, Camberwell, Surrey, clerk to an assurance office.

*Adjourned Hearing.*

*Dec. 5 at 10, before the CHIEF COMMISSIONER.*

*Solomon Jacobs*, Fitzroy-place, Henry-street, Hampstead-road, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Dec. 6 at 12.*

*Arthur John Barrow*, Woolwich, out of business.—*Joseph Dove*, Lewisham, tailor.—*Rich. Green*, Brunswick-place, St. John's, Horselydown, Surrey, master mariner.—*R. Murrell*, Portland-place, Rotherhithe, Surrey, agent.—*T. Cummins*, Evelyn-street, Lower-road, Deptford, carpenter.—*A. Young*, Caroline-place, Lower-road, Deptford, coachbuilder.—*Henry Charles*, Hyde-street, Deptford, carpenter.

*At the County Court of Staffordshire, at STAFFORD, Dec. 7 at 11.*

*Charles Duckhouse*, Crook Hay, West Bromwich, labourer.

*At the County Court of Berkshire, at READING, Dec. 8 at 10.*

*Alfred Plummer*, Newbury, baker.—*Elizabeth Thompson*, Reading, basket maker.—*John Haines*, New Hincsey, turnpike toll collector.

*At the County Court of Suffolk, at IPSWICH, Dec. 9 at 10.*

*Wm. Ling Hicks*, Creetingham, near Debenham, farmer.—*E. Youngs*, Ramsey, near Harwich, Essex, lodging-house keeper.

*At the County Court of Kent, at DOVER, Dec. 20 at 11.*  
*Wm. Henry Chidwick, Dover, grocer.*

*At the County Court of Norfolk, at NORWICH, Dec. 10.*  
*Mary Ann Gilbert, Norwich, out of business.—R. Spinks,*  
*Feltwell, tailor.—R. Fordham, Blo Norton, miller.*

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 Offices has proved may with safety be adopted.  
 Policies becoming claims between the periods of division are entitled  
 to a bonus in addition to that previously declared.  
 No charge is made for Policy Stamps.  
 Parties assured during the present year will participate in the profits  
 to be divided at the end of 1854.

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**SOCIETY, 52, Chancery-lane, London.**  
 Subscribed Capital, One Million.

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 all liability. Premiums affording particular advantages to young lives.  
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 divided amongst the Assured triennially, either by way of addition to  
 the sum assured, or in diminution of Premium, at their option.  
 No deduction is made from the four-fifths of the profits for interest on  
 Capital, for a Guarantee Fund, or on any other account.  
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 of fraud.

At the General Meeting, on the 31st May last, a BONUS was declared  
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 of from THIRTY to upwards of SIXTY per cent. on the Premiums paid.  
 POLICIES share in the Profits, even if ONE PREMIUM ONLY has been  
 paid.  
 Next DIVISION OF PROFITS in 1856.  
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 effected by applying on any other day, between the hours of 10 and 4, at  
 the Office of the Society, where prospectuses and all other requisite infor-  
 mation can be obtained.

CHARLES JOHN GILL, Secretary.

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 Saturday, November 26, 1853.

# The Jurist

No. 882—VOL. XVII. DECEMBER 3, 1853.

PRICE 1s.

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LONDON, DECEMBER 3, 1853.

A VERY important point as to the jurisdiction of the Crown and of the Judicial Committee of the Privy Council, in reference to the granting of extended patents, has been recently decided by that learned body. (*In re Schlumberger's Patent*, heard on the 28th and 29th November, 1853).

The question arose in this way. A patentee regularly applied for, and obtained, nearly three years ago, an Order in Council, under Lord Brougham's Act, 5 & 6 Will. 4, c. 83, for the extension of his patent. He then, for reasons which are for the purpose of this question immaterial, delayed prosecuting that order—that is, making the proper application for the sealing of the letters-patent—for a very long time. In the meantime a person, interested in opposing the grant, presented his petition to the Crown, asking to discharge the Order in Council, and that no warrant to seal might

issue, and that no grant might be made; in effect, the petition was to ask the Crown to refuse the patent. The matter was referred, by an Order in Council in the usual form, to the Judicial Committee to consider, &c.

When the case came on to be heard, the patentee's counsel objected to the jurisdiction. The grounds of objection were, that the Crown had no power, before the 5 & 6 Will. 4, c. 83, to interfere at all in regard to the extension of patents; that its power is solely derived from the 4th section of that statute, which gives power to the Crown to refer to the Judicial Committee any petition to *extend* letters-patent, and power to *grant* such letters-patent; that the jurisdiction under that section had been exercised and exhausted, and there was no jurisdiction to refer to the Judicial Committee the question of rescinding an order for a grant, or of refusing a grant already directed to be made; that, in effect, that would be repealing a patent. At any rate, it was urged there was no such jurisdiction in a case where, as in the case before the Court, it was not alleged that the order was not right at the time it was made, and its operation was sought to be annulled by reason of subsequent matter.

On the other side it was said, that until the Great Seal was actually affixed, there was no grant; that the Queen's Order in Council was merely a direction to *prepare* letters-patent; and that at any time between that order and the actual sealing and issue of the letters-patent, it was within the power of the Crown to

withhold the grant. That as to the power of the Crown to refer such a matter to the Judicial Committee, the Crown had power under the Privy Council Act, 3 & 4 Will. 4, c. 41, to refer to the Judicial Committee any matter whatsoever that her Majesty should think fit.

To this it was replied, that the power given to the Queen by that act, by the 4th section, must be taken with reference to the 3rd section, and that it means only such matters as could have before the act been referred by the Queen to her Privy Council. That at any rate it could not be intended to apply to referring any matter regarding the extension of letters-patent, because the Crown having, except under Lord Brougham's Act, no power to grant such letters-patent at all, it would be nugatory that the Crown should refer to the Judicial Committee the consideration of a matter in which, when the Judicial Committee should have advised, the Crown would have no power to act.

The Lords of the Judicial Committee were, however, of opinion that the 4th section of the Privy Council Act must be read in the largest sense, as giving power to the Crown to refer *any matter* for the consideration of the Judicial Committee, and that the Crown had power to interfere, and refuse, at any time before the patent had passed the Great Seal, to allow it to proceed. The result of this decision must not, of course, be taken to be, that, in every case of an application for an extension of a patent, a party who might have regularly opposed it, and did not, will be heard to come afterwards by a counter-petition to prevent the order being carried into effect by the Great Seal. It goes, however, to shew this—that in a case in which, for any *sufficient* reason, the course of opposing an application for extension of a patent has not been taken, and the Order in Council for the grant has gone, the course for stopping the making of the letters-patent is not to oppose, except by way of intermediate stay of proceeding, at the Great Seal, but to petition the Queen in Council to withhold her warrant for sealing, and to refuse to make any grant. It must be observed, however, that inasmuch as, if nothing is done to stop the sealing pending an application to the Judicial Committee, the patent would be sealed as of course, and then the jurisdiction of the Crown would be clearly gone, it is proper in such a case (as was done in the case referred to) to lodge objections under the Patent-law Amendment Act, 1852, and under Lord St. Leonards' Order of the 15th October, 1852, against the sealing of the patent, pending which, it is presumed, the Lord Chancellor would refuse to seal until the matter had been disposed of before the Judicial Committee. In the case referred to, such a course was taken, and on the petition to seal being called on, and the objectors appearing, and stating that a petition to the Judicial Committee was pending, the matter was ordered to stand over.

#### COURT OF EXCHEQUER.

MICHAELMAS TERM.—17 VICTORIA.—Nov. 25, 1853.

This Court will, on the 8th day of December next, hold a sitting, and will at such sitting proceed to give judgment in all matters then standing for judgment.

J. PARKER.  
E. H. ALDERSON.  
T. J. PLATT.  
SAMUEL MARTIN.

#### THE STATUTE-LAW COMMISSION.

WE continue our extracts from Mr. Coode's papers:—

"(8). And inasmuch as we possess in our institutions an instrument of legislation in the highest degree impressive, active, and practical; and inasmuch as the extent, importance, and variety of our interests are such that all legislation is instantly subjected to innumerable practical tests; and inasmuch as every defect is immediately submitted to jurisprudential and judicial scrutiny, and to unrestricted public discussion, and, if otherwise incurable, to legislative amendment, we do happily possess the most efficient possible means for realising, experimentally, practically, and inductively, whatever the experience and intelligence of man may shew to be desirable; in fact, the whole process of discussion, general, forensic, parliamentary—the whole course of judicature and legislation—is one great process of legislative induction, by which particulars are incessantly collected and arranged, and brought more and more precisely and certainly within their appropriate laws, and those laws extended and corrected with infinitely more certainty than that which the ablest systematiser could effect by the simple aid of the most enlightened and logical speculation.

"And this practical process of induction of particulars is even more unerringly systematic—tends more surely to sound generalisation—than any systematic speculation whatever. Every individual man's interest is identical in most respects with every other man's; and every man seeking to obtain for himself the institution or application of a rule of law most beneficial to himself does, in fact, seek for a rule beneficial in a like degree to all others in like circumstances. Every forensic discussion seeks, on one side, to place a given case within the operation of one rule; on the other side, to place it within the operation of another. Every judicial decision does place some one particular case, or some species of cases, within one rule or within another; and every additional particular, thus placed under the operation of a rule, serves to complete the rule in its range and in its definition. In no case does a judge make new rules; and in no case, where his decision is inconsistent with the combined analogies of the case and of the rule, can his decision be sustained. And in legislation the process is similar. Each case proposed for new legislation must be shewn to be included in the existing law, contrary to the real utilities and analogies of the case; it is never taken out of the old rule but upon apparent proof of a distinction in fact, requiring a distinction in the rule. Thus the tendency both of jurisprudence and legislation is inevitably to include all cases under rules analogous to them; to break down and abolish exceptions not justified by real distinctions; to enlarge exceptions into rules, when such exceptions may consistently be converted into rules; to extend the minutest experiments in legislation, when successful, to all the cases in which a similar success may be anticipated; and so, in fact, the law is undergoing, in experiment, in discussion before our tribunals, and in Parliament, a constant analogising process, tending to the widest possible useful generalisation.

"(9). But although this be the real practical process, it is unfortunately rendered obscure, and indeed seriously obstructed and retarded, by the present mode of registering the result. It is unfortunate that every step in the establishment and extension of a rule should only be registered, as it now is. The judicial result, giving effect, consistency, and definiteness to a rule, is overlaid by the narrative of the circumstances of the case, the recital of the pleadings, the report of the arguments of the counsel, and of the reasonings of

judge; and the small modicum of result, the effective judicial decision, thus incumbered, reported by the reporter, is separated by an indefinite number of volumes of similar reports, and by intervals of years and ages, from its nearest analogue, the next judicial decision that extends or qualifies it. And just so the act of Parliament which extends or limits an old rule, introduces a new one, instead of being expressed as part of the terms of the rule thus modified, or in proper coordination with analogous rules, is registered in the statute-book according to the accidental date of its passing, incumbered with preambles and provisos, and a-obsolete clauses, dislocated from the body of law of which it is logically a member, and cast locally into a midst of others having no discoverable connexion with it. Thus we find that a rule, established and refined by centuries of experiment and discussion, and shaped elaborated with perfect self-consistency, is registered in disorderly and cumbrous fragments, in a mass of statutes, and a hundred reported cases.

"It is this unnecessary and mischievous incumbrance of the rule, by the mode in which it is thus accidentally registered, that is most justly to be complained of. It is that most impedes legislation, and so often uses it to be obscure, inaccurate, and inconsistent. It makes jurisprudence so laborious, and so often uncertain in its progress, and conceals, in husk and raff, the precious kernel of the law.

"(10). The first object, then, of the course proposed by these papers is, to ascertain the effect of the matter of the statute law, thus overlaid and dislocated, and the relations and connexion of all its parts, and to present them in intelligible language and lucid order. Besides the immediate popular utility involved in this operation, it will necessarily tend to enable the Legislature, on all subsequent occasions, with increased facility, comprehensiveness, and effect, to preserve in its future acts the connexion and order once realised, and to proceed directly, and with the least possible incumbrance, in its natural course of supplying all defects; they become visible, removing apparent anomalies, reconciling apparent inconsistencies, and by degrees, arising, by the light of experience, that minute, detailed, and pervading practical agreement between the laws themselves, and the interests they protect, which is the only consummation of simplification and system worth consideration in the development of a body of rational law."

In his first paper Mr. Coode treats of the collection of the existing statute law as distinguished from that which, being repealed or obsolete, is no longer in force; and after pointing out the deficiencies in the existing means of ascertaining the law, the frequent confusion of local and personal enactments with general enactments in the same act, the non-existence of any convenient, uniform, or accurate practice in referring to acts, and the frequent omission to refer in an act to prior enactments affected by it, and suggesting some improvements in the use of short titles and other modes of reference, Mr. Coode proceeds to consider the means of finding all the connected matter that is in force. The different modes in which an enactment may be repealed—absolute, limited or exceptional, qualified, conditional, suspended, problematical, fragmentary, complementary or exceptional, and virtual—are first discussed. As to virtual repeals—

"(31). Still more obscure than the foregoing are the indications of that large and constantly increasing mass of matter commonly designated as 'virtually repealed.' Generally this so-called 'virtual' repeal is supposed to be effected as a result of some obvious repugnancy or contrariety in different provisions, and essentially it in no way differs from the effect of so much of a similar repugnancy between different phrases, or in the terms

of the same phrase, or of the same provision, within the same act.

"It is rare that the repugnancy is absolute—that the one provision is the absolute negative of the other. Where it is so the contrariety is manifest, the latter enactment repeals the former, and the difficulty of ascertaining which is in force and which is not is none at all, consisting of the simple process of comparison of the one with the other.

"But every degree of repugnance, less than that of absolute contradiction, down to the smallest shade of variance in effect, involves the difficulty of construction, which leaves every man in doubt which of the two rules applies to his case, and in what degree it is covered by the one or the other. These are the cases which embarrass the most careful, well-informed, and scrupulous men, breed questions innumerable and interminable for professional advice, occupy the courts of law with a great proportion of all their business, and rarely receive even from them a final or general solution. The determination, if it were possible by any authority short of that of the Legislature, of the fact of the abrogation of this immense and indefinite mass of law, and, by the converse operation of the process, the ascertaining of that complement which is left in force, would indeed be a mighty benefit. I have only to suggest that I, for one, am quite incompetent to do more in any such cases than discover some reason, on one side or the other, for the prevalence of my opinion towards one side or the other; but authoritatively to determine the questions of this kind seems to me to require no less an authority than that of the supreme judicature, which itself can never enlarge its decisions beyond the terms of the case before it, and of the Legislature itself where the general effect of such conflict is to be determined." (P. 19).

(To be continued).

### Court Papers.

#### EQUITY SITTINGS, AFTER MICHAELMAS TERM, 1853.

##### Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Thursday . . . . .	Dec. 1	First Seal.—Appeal Motions.
Friday . . . . .	2	Petitions.
Saturday . . . . .	3	} Appeals.
Monday . . . . .	5	
Tuesday . . . . .	6	} Second Seal.—Appeal Motions.
Wednesday . . . . .	7	
Thursday . . . . .	8	} Appeals.
Friday . . . . .	9	
Saturday . . . . .	10	} Third Seal.—Appeal Motions.
Monday . . . . .	12	
Tuesday . . . . .	13	} Appeals.
Wednesday . . . . .	14	
Thursday . . . . .	15	} Appeals.
Friday . . . . .	16	
Saturday . . . . .	17	} Fourth Seal.—Appeal Motions.
Monday . . . . .	19	
Tuesday . . . . .	20	Petitions.

Before the LORDS JUSTICES, at Lincoln's Inn.

Thursday . . . . .	Dec. 1	First Seal.—Appeal Motions.
Friday . . . . .	2	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday . . . . .	3	
Monday . . . . .	5	} Appeals.
Tuesday . . . . .	6	
Wednesday . . . . .	7	} Second Seal.—Appeal Motions and Appeals.
Thursday . . . . .	8	

Friday .....	9	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	10	Appeals.
Monday .....	12	Third Seal.—Appeal Motions and Appeals.
Tuesday .....	13	Appeals.
Wednesday .....	14	Appeals.
Thursday .....	15	Petitions in Lunacy, Appeals, and Appeal Petitions.
Friday .....	16	Bankrupt Petitions and Appeals.
Saturday .....	17	Fourth Seal.—Appeal Motions and Appeals.
Monday .....	19	Lunatic Petitions and Appeal Petitions.
Tuesday .....	20	

**Rolls Court.**

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Thursday . . . . .	Dec. 1	Motions.
Friday . . . . .	2	
Saturday . . . . .	3	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday . . . . .	5	
Tuesday . . . . .	6	
Wednesday . . . . .	7	Motions.
Thursday . . . . .	8	
Friday . . . . .	9	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday . . . . .	10	
Monday . . . . .	12	
Tuesday . . . . .	13	Motions.
Wednesday . . . . .	14	
Thursday . . . . .	15	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Friday . . . . .	16	
Saturday . . . . .	17	
Monday . . . . .	19	Motions.
Tuesday . . . . .	20	Petitions in General Paper.

N.B.—Short Causes, Consent Causes, Unopposed Petitions, and Short Claims, on Saturday the 3rd, Saturday the 10th, and Saturday the 17th December, at the sitting of the Court.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

**Vice-Chancellors' Courts.**

*Before Vice-Chancellor Sir RICHARD KINDERSLEY, at Lincoln's Inn.*

Thursday . . . . .	Dec. 1	First Seal.—Motions and Causes.
Friday . . . . .	2	{ (Petition-day).—Cause Petitions (un- opposed first).
Saturday . . . . .	3	Short Causes, Short Claims, & Causes.
Monday . . . . .	5	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday . . . . .	6	
Wednesday . . . . .	7	Second Seal.—Motions and Causes.
Thursday . . . . .	8	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday . . . . .	9	{ (Petition-day).—Cause Petitions (un- opposed first).
Saturday . . . . .	10	Short Causes, Short Claims, & Causes.
Monday . . . . .	12	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday . . . . .	13	Third Seal.—Motions and Causes.
Wednesday . . . . .	14	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday . . . . .	15	
Friday . . . . .	16	{ (Petition-day).—Cause Petitions (un- opposed first).
Saturday . . . . .	17	Short Causes, Short Claims, & Causes.
Monday . . . . .	19	Fourth Seal.—Motions and Causes.
Tuesday . . . . .	20	Petitions and Causes.

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Thursday . . . . .	Dec. 1	First Seal.—Motions.
Friday . . . . .	2	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday . . . . .	3	
Monday . . . . .	5	Petitions.
Tuesday . . . . .	6	Short Causes, Short Claims, & Causes.

Wednesday .....	7	Second Seal.—Motions.
Thursday .....	8	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	9	
Saturday .....	10	Petitions.
Monday .....	12	Third Seal.—Motions.
Tuesday .....	13	Short Causes, Short Claims, & Causes.
Wednesday .....	14	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	15	
Friday .....	16	Fourth Seal.—Motions.
Saturday .....	17	Petitions.
Monday .....	19	
Tuesday .....	20	

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Thursday.... Dec. 1	1	First Seal.—Motions and General Paper.
Friday .....	2	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	3	Petitions, (unopposed first), Short Causes and Claims, Claims from General Paper, and Causes.
Monday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	6	Second Seal.—Motions and General Paper.
Wednesday .....	7	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	8	Petitions, (unopposed first), Short Causes and Claims, Claims from General Paper, and Causes.
Friday .....	9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	10	Third Seal.—Motions and General Paper.
Monday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	13	Fourth Seal.—Motions and General Paper.
Wednesday .....	14	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	15	Petitions, (unopposed first), Short Causes and Claims, Claims from General Paper, and Causes.
Friday .....	16	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	17	Fourth Seal.—Motions and General Paper.
Monday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	20	Petitions, (unopposed first), Short Causes and Claims, Claims from General Paper, and Causes.

**London Gazettes.**

FRIDAY, NOVEMBER 25.

**BANKRUPTS.**

ELIZA M'CROW, late of Whitecross-street, London, but now of James-street, Featherstone-street, City-road, Middlesex, linendraper, dealer and chapwoman, Dec. 6 at half-past 12, and Jan. 6 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jones, Sise-lane.—Petition filed Nov. 22.

JACOB WRIGHT, Holywell-street, Shoreditch, Middlesex, licensed victualler, Dec. 6 at 12, and Jan. 5 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Buchanan, Basinghall-street.—Petition filed Nov. 24.

CHARLES TITTLE, Baldock, Hertfordshire, apothecary, Dec. 2 at 1, and Jan. 7 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Trinder & Eyre, 1, John-st., Bedford-square.—Petition dated Nov. 24.

JOHN JAMES, Oxford-street, and John-street, Oxford-street, Middlesex, trunk maker, dealer and chapman, Dec. 5 at 1, and Dec. 27 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Story, 36, Great James-street, Bedford-row, London.—Petition filed Nov. 16.

JAMES PHILLIPS, Bristol, hatter, dealer and chapman, Dec. 7 and Jan. 4 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Brittan & Sons, Bristol.—Petition filed Nov. 19.

JAMES COUPE, Preston, Lancashire, joiner and builder, dealer and chapman, Dec. 5 and Jan. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Turner & Son, Preston; Cooper & Son, Manchester.—Petition filed Nov. 15.



**WILLIAM BOOTH**, Commercial-road, Lambeth, and Wellington-terrace, Waterloo-road, Lambeth, Surrey, ironmonger, dealer and chapman, Dec. 5 at 2, and Dec. 27 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Nind, 11, Beaufort-buildings, Strand, London.—Petition filed Nov. 22.

**WILLIAM TOMLINSON**, Manchester, publican, dealer and chapman, Dec. 15 and Jan. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Cooper & Sons, Manchester.—Petition filed Nov. 22.

**WILLIAM OUTRAM**, Stockton-upon-Tees, Durham, timber merchant, lath render, and cooper, dealer and chapman, Dec. 2 at 1, and Jan. 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Brignal, Durham; Hartley, 6, Southampton-street, Bloomsbury, London.—Petition filed Nov. 21.

## MEETINGS.

*Caleb R. Bury*, Hulme, Manchester, drysalter, Dec. 7 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*John R. Vivian*, Cheapside, London, dealer in mining shares, and Stonehouse, Devonshire, coal merchant, Dec. 12 at half-past 1, Court of Bankruptcy, London, last ex.—*Robert Sorton Perry*, Leadenhall-street, London, bookseller and publisher, Dec. 12 at 2, Court of Bankruptcy, London, last ex.—*John Robertshaw*, Church, Lancashire, ironfounder, Dec. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Wakefield*, Nottingham, merchant, Dec. 9 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*John Strachan*, Newcastle-upon-Tyne, common brewer, Dec. 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Dec. 19 at 11, div.—*Thomas Handley*, Brecon, Brecknockshire, dealer and chapman, Dec. 9 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John M'Lachlan*, Spital-square, Norton Folgate, Middlesex, auctioneer, Dec. 16 at 11, Court of Bankruptcy, London, div.—*James Hunter* the younger, Barge-yard, Bucklersbury, London, merchant, Dec. 16 at half-past 11, Court of Bankruptcy, London, div.—*Charles Scott Rendle*, Brook-terrace, Old Kent-road, and Brixton-hill, Surrey, shoes manufacturer, Dec. 19 at 2, Court of Bankruptcy, London, div.—*Richard Jacques*, Tottenham-court-road, Middlesex, tallowchandler, Dec. 16 at 11, Court of Bankruptcy, London, div.—*Samuel King*, Newgate-street, London, warehouseman, Dec. 19 at half-past 11, Court of Bankruptcy, London, div.—*David Nutt*, Stratford-green, Essex, merchant, Dec. 19 at 11, Court of Bankruptcy, London, div.—*Samuel Litchfield*, Birmingham, druggist, Dec. 17 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*J. Askey*, Shelton, Staffordshire, timber merchant, Dec. 19 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Wm. Bradshaw*, Birmingham, victualler, Dec. 15 at 11, District Court of Bankruptcy, Birmingham, div. and pr. d.—*George Greenstock*, Bristol, haberdasher, Dec. 19 at 11, District Court of Bankruptcy, Bristol, fin. div.—*John Bedford*, Bath, Somersetshire, music seller, Dec. 19 at 11, District Court of Bankruptcy, Bristol, div.—*Thomas Townsend*, Bath, Somersetshire, hat manufacturer, Dec. 19 at 11, District Court of Bankruptcy, Bristol, div.—*Joseph and Frederick Piggins*, Wolverhampton, Staffordshire, shoe manufacturers, Dec. 17 at 10, District Court of Bankruptcy, Birmingham, div.—*Samuel C. Harrison*, Sunderland-by-the-Sea, Durham, linendraper, Dec. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Hugh Jones*, Chester, grocer, Dec. 16 at 11, District Court of Bankruptcy, Liverpool, div.—*George Dardier*, Liverpool, merchant, Dec. 19 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Henry Mountain*, Piccadilly, Westminster, and Gunter's-grove, Brompton, Middlesex, draper, Dec. 16 at 12, Court of Bankruptcy, London.—*Wm. G. Edghill*, High-street, Southwark, Surrey, chinaman, Dec. 16 at 1, Court of Bankruptcy, London.—*James Dummelow* the younger, Fenchurch-street, London, broker, Dec. 17 at half-past 1, Court of Bankruptcy, London.—*Henry Solomon*, Holborn-hill, London, and Cumberland-place and Surrey-place, Old Kent-road, Surrey, furniture broker, Dec. 16 at half-past 11, Court of Bankruptcy, London.—*Abraham Clarkson*, Reading, Berkshire, licensed victualler, Dec. 16 at 12, Court of Bankruptcy, London.—*John Gamon*, Woolwich, Kent, butcher, Dec. 16 at 1, Court

of Bankruptcy, London.—*Joseph Heath*, Chessham, Buckinghamshire, chemist, Dec. 16 at half-past 1, Court of Bankruptcy, London.—*S. L. Oppenheim*, Broad-street-buildings, London, merchant, Dec. 19 at 12, Court of Bankruptcy, London.—*Benjamin Rolfe and Beaufoy A. Moore*, Sackville-st., Piccadilly, Middlesex, tailors, Dec. 19 at half-past 11, Court of Bankruptcy, London.—*Thos. Cullingworth*, Woolley Mills, near Wakefield, Yorkshire, corn miller, Jan. 9 at 11, District Court of Bankruptcy, Leeds.—*J. Pollitt* the younger, Manchester, maker up, Dec. 16 at 12, District Court of Bankruptcy, Manchester.—*Samuel B. Watts*, Exeter, hatter, Dec. 22 at 1, District Court of Bankruptcy, Exeter.—*Frederick Payton*, Birmingham, brick maker, Dec. 20 at 11, District Court of Bankruptcy, Birmingham.—*William Watson*, New Springs, Talkoth Hill, Audley, Staffordshire, saddler, Dec. 22 at 11, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Richard Wallis*, Queen-street, Cheapside, London, shoe factor.—*W. Hutchison*, Riches-court, Lime-street, London, ship broker.—*Lewis C. Hertslet*, Union-court, Broad-street, London, merchant.—*John Seager*, Hungerford-wharf, Strand, Middlesex, wine merchant.—*Wm. May*, Exeter, linendraper.—*Richard Pike*, East Stonehouse, Devonshire, butcher.—*Charles Moss Salmon*, Birmingham, general dealer.—*John Hammond*, Birmingham, builder.

## PETITION ANNULLED.

*William Donald*, Hayton, Aspatia, Cumberland, cattle dealer.

## PARTNERSHIPS DISSOLVED.

*Geo. Marshall and Frederick Marshall*, Plymouth, Devonshire, attorneys-at-law and solicitors.—*Robt. Burleigh Sewell, Charles Wyatt Estcourt, and John Anthony Dodd Wake*, Newport, Isle of Wight, Southampton, attorneys and solicitors, (as far as regards the said *R. B. Sewell* and *J. A. D. Wake*).—*John England and Richard England*, Kingston-upon-Hull, attorneys and solicitors.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*G. Gawthorp*, Kingston-upon-Hull, schoolmaster, Dec. 9 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Robert Banks*, Kingston-upon-Hull, out of business, Dec. 9 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*William Morgan*, Ynisgan, Merthyr Tydfil, Glamorganshire, victualler, Dec. 8 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Thomas Thomas*, Cwmdare, Aberdare, Glamorganshire, labourer, Dec. 8 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*John Ewart*, Albrighton, Shropshire, licensed tea dealer, Dec. 17 at 10, County Court of Shropshire, at Madeley.—*John Todd*, Doncaster, Yorkshire, out of business, Dec. 5 at 12, County Court of Yorkshire, at Doncaster.—*Thos. Davies*, Abertillery, Monmouthshire, mason, Dec. 8 at 12, County Court of Monmouthshire, at Tredegar.—*John Birch*, Ipswich, Suffolk, out of business, Dec. 9 at 10, County Court of Suffolk, at Ipswich.—*Robert Mirfin*, Sheffield, Yorkshire, edge-tool grinder, Dec. 7 at 12, County Court of Yorkshire, at Sheffield.—*James Skillico*, Doncaster, Yorkshire, joiner, Dec. 5 at 12, County Court of Yorkshire, at Doncaster.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Dec. 9 at 10, before the CHIEF COMMISSIONER.

*John Wm. Sharp*, York-road, Lambeth, Surrey, vocalist.

Dec. 10 at 11, before Mr. Commissioner PHILLIPS.

*James Peirce* the elder, Clarence-place, St. George's Newtown, Kent-street, Southwark, Surrey, leather enameller.—*William Millinburg*, Britten-st., Chelsea, Middlesex, out of business.

Dec. 12 at 10, before the CHIEF COMMISSIONER.

*Thomas Cole*, Great Barlow-st., Manchester-square, Marylebone, Middlesex, bricklayer.

Dec. 12 at 11, before Mr. Commissioner PHILLIPS.

*James Smeeth*, Plough-court, Fetter-lane, Holborn, London, bootmaker.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

Dec. 9 at 10, before the CHIEF COMMISSIONER.

*William Henry Smith*, Blackfriars-road, Surrey, retired commander in the Royal Navy.

Dec. 9 at 11, before Mr. Commissioner MURPHY.

*Edward William Perry*, Bromley House, Bromley, Middlesex, out of business.

Dec. 12 at 10, before the CHIEF COMMISSIONER.

*John Smeed*, Drummond-crescent, Euston-square, Middlesex, baker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Northumberland, at MORPETH, Dec. 9 at 10.

*James Jamieson*, Wellington Quay, plumber.—*Wm. Robinson*, Seaton Sluice, master mariner.

At the County Court of Durham, at DURHAM, Dec. 9.

*John Murray*, Sanderland-near-the-Sea, out of business.

At the County Court of Norfolk, at NORWICH, Dec. 10 at 10.

*John Bullen* the younger, West Lynn, St. Peter's, baker.—*Elizabeth Clark*, widow, Terrington St. Clement, near King's Lynn, in no business.

At the County Court of Somersetshire, at TAUNTON, Dec. 12.

*Henry Lewis*, Frome Selwood, clock maker.

At the County Court of Gloucestershire, at BRISTOL, Dec. 14 at 11.

*Thomas Jarman Herapath*, Bristol, architect.

#### MEETING.

*George White*, Charlton-st., Greenwich, Kent, committee clerk in the House of Commons, Dec. 16 at 12, Marter's, 5, Furnival's-inn, London, sp. aff.

### TUESDAY, NOVEMBER 29.

#### BANKRUPTS.

**THOMAS ROLPH**, Lee's-mews, Upper Brook-st., Grosvenor-square, Middlesex, builder, dealer and chapman, Dec. 6 and Jan. 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Tampler, Fenchurch-street.—Petition filed Nov. 16.

**CHARLES GEAL**, East-row, Kensal New-town, Middlesex, grocer and cheesemonger, Dec. 13 at half-past 1, and Jan. 3 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Ambrose, 7, Manchester-square, London.—Petition filed Nov. 26.

**JOHN HODGES** and **JOHN FOSTER HODGES**, New Bond-street, Middlesex, hosiers, gloves, and shirtmakers, dealers and chapmen, (carrying on business under the firm or style of Hodges & Son), Nov. 28 at 2, and Jan. 7 (and not Dec. 7, as advertised in last Tuesday's Gazette) at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Depree & Austen, 9, Lawrence-lane, Cheapside.—Petition dated Nov. 21.

**DOUGLAS BRADBURY**, Derby, builder, Dec. 9 and 30 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Motteram & Knight, Birmingham.—Petition dated Nov. 10.

**HENRY READING**, Birmingham, draper, dealer and chapman, Dec. 14 and Jan. 11 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hodgson, Birmingham; Jones, 15, Sise-lane, London.—Petition dated Nov. 23.

**MICHAEL ROBINSON**, Halifax, Yorkshire, linendraper, Dec. 16 and Jan. 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Brierley, Halifax.—Petition dated Nov. 24.

**ROBERT WALKER**, Stalybridge, Lancashire, grocer and provision dealer, Dec. 10 and Jan. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Hampson & Sons, Manchester.—Petition filed Nov. 19.

#### MEETINGS.

*H. Shuttleworth*, Saffron Walden, Essex, ironmonger, Dec. 16 at 1, Court of Bankruptcy, London, pr. d.—*J. Hall*, Barton-upon-Humber, Lincolnshire, builder, Dec. 14 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, ch. ass.—*Joseph White*, East Cowes, Isle of Wight, Southampton, ship builder, Dec. 12 at half-past 11, Court of Bankruptcy, London; last ex.—*Charles John Egan*, High-row, Knightsbridge, Middlesex, ironmonger, Dec. 14 at 12, Court of Bankruptcy, London, and ac.—*Jas. Horder*, Wimborne, Dorsetshire, market gardener, Dec. 14 at half-past 1, Court of Bankruptcy, London, and ac.—*John Johnson*, Great Winchester-st., London, East India merchant, Dec. 14 at 12, Court of Bankruptcy, London, and ac.—*John Scott*, Welbeck-st., Cavendish-square, Middlesex, upholsterer's warehouseman, Dec. 16 at 12, Court of Bankruptcy, London, and ac.—*Charles Baker*, Brook-st., Grosvenor-square, Middlesex, upholsterer, Dec. 22 at 11, Court of Bankruptcy, London, and ac.; Dec. 23 at 11, div.—*Matthew Pattison*, South Shields, Durham, ironmonger, Dec. 19 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Christopher T. Pettit*, Sanderland, Durham, shipowner, Dec. 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Hadfield*, Manchester, and Ashton, Mackerfield, Lancashire, cotton spinner, Dec. 15 at 12, District Court of Bankruptcy, Manchester, and ac.—*Hugh Jones*, Chester, grocer, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Wm. Riley*, St. Helen's, Lancashire, glass manufacturer, Dec. 15 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Gordon John James Grant*, Liverpool, tobacco broker, Dec. 8 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Frances Isabelle Dagnall* and *Jonathan Walsh Fairclough*, Liverpool, wholesale comb manufacturers, Dec. 12 at 11, District Court of Bankruptcy, Liverpool, and ac. joint est., and and ac. sep. est. of *Frances Isabelle Dagnall*; Dec. 13 at 11, and ac. sep. est. of *Jonathan Walsh Fairclough*.—*W. Jas. Perrin*, Liverpool, merchant, Dec. 12 at 11, District Court of Bankruptcy, Liverpool, and ac.—*William Bolderston*, Liverpool, grocer, Dec. 12 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Benjamin Lamplough*, Doncaster, Yorkshire, woollendrapers, Dec. 10 at 12, District Court of Bankruptcy, Sheffield, and ac.—*Francis Hopkins*, Cambridge, brewer, Dec. 22 at 2, Court of Bankruptcy, London, div.—*Angus Duncan* and *Charles Duncan*, Tokenhouse-yard, London, merchants, Dec. 22 at 11, Court of Bankruptcy, London, div.—*John Thomas*, Little Stanhope-street, May Fair, Middlesex, builder, Dec. 20 at 11, Court of Bankruptcy, London, div.—*Henry Baker*, New Oxford-st., Bloomsbury, Middlesex, ironmonger, Dec. 21 at 11, Court of Bankruptcy, London, div.—*John Brandon*, Penneth, Kingwinford, Staffordshire, draper, Dec. 10 at 10, District Court of Bankruptcy, Birmingham, and ac.; Dec. 24 at 10, div.—*Thomas Lawson*, Bury, Lancashire, draper, Dec. 21 at 12, District Court of Bankruptcy, Manchester, div.—*G. Rowell* the younger, Carlisle, Cumberland, painter, Dec. 23 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Hugh McCall*, South Shields, Durham, bookseller, Dec. 21 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.—*Joseph C. Reeves*, Long Ashton, Somersetshire, paint manufacturer, Dec. 23 at 11, District Court of Bankruptcy, Bristol, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Baker*, Brook-street, Grosvenor-square, Middlesex, upholsterer, Dec. 22 at 11, Court of Bankruptcy, London.—*Frederick H. Thomson*, Berners-street, Oxford-street, and West-end, Hampstead, Middlesex, manufacturer of silvered glass ware, Dec. 20 at 12, Court of Bankruptcy, London.—*W. Smith*, High-street, Shadwell, Middlesex, licensed victualler, Dec. 20 at half-past 11, Court of Bankruptcy, London.—*Henry J. White*, Waterloo-road, Surrey, straw-bonnet dealer, Dec. 20 at 11, Court of Bankruptcy, London.—*Henry T. Edwards*, Liverpool, builder, Dec. 22 at 11, District Court of Bankruptcy, Liverpool.—*Christopher T. Pettit*, Sanderland, Durham, shipowner, Dec. 23 at half-past 12, District

Court of Bankruptcy, Newcastle-upon-Tyne.—*John Hetherington, Thomas Hetherington, and George Barlow Scholes*, Manchester, joiners, Dec. 21 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

*Thomas Luke*, New Accrington, Lancashire, grocer.

#### PARTNERSHIPS DISSOLVED.

*Henry Carnesew and John W. Whitelock*, Raymond-buildings, Gray's-inn, Middlesex, attorneys and solicitors, (under the name or firm of Carnesew & Whitelock).—*Robert Wilson, Wm. F. Harrison, and Ebenezer John Bristol*, Copthall-buildings, solicitors, (so far as regards the said *William F. Harrison*).

#### SCOTCH SEQUESTRATIONS.

*Hugh Fraser*, Irvine, Ayrshire, merchant.—*John Boyle*, Edinburgh, furniture broker.—*Peter Brown*, Laurance-law, near Pennycaik, Edinburgh, wright.—*Alexander Murray*, Thurso, merchant.—*Charles Stewart*, Dingwall, grocer.—*A. Callander*, Paisley, wool merchant.—*Wm. Ferguson*, Crieff, innkeeper.—*Robert Cochran*, Dundee, druggist.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Matthew Morris*, Mount Pleasant, Kingswinford, Staffordshire, retail brewer, Dec. 26 at 10, County Court of Worcestershire, at Stourbridge.—*Charles Hoddinott*, Nunney, Somersetshire, out of business, Dec. 7 at 11, County Court of Somersetshire, at Frome.—*Stephen Scorey*, Melcombe Regis, livery-stable keeper, Dec. 8 at 10, County Court of Dorsetshire, at Weymouth.—*Thos. Elliott*, Everton, near Liverpool, emigrant agent, Dec. 5 at 10, County Court of Lancashire, at Liverpool.—*W. S. Smith*, Liverpool, bookkeeper, Dec. 5 at 10, County Court of Lancashire, at Liverpool.—*T. M. Donald*, Liverpool, porter dealer, Dec. 5 at 10, County Court of Lancashire, at Liverpool.—*John Wagstaffe*, Liverpool, butcher, Dec. 5 at 10, County Court of Lancashire, at Liverpool.—*R. Douglas*, Liverpool, baker, Dec. 5 at 10, County Court of Lancashire, at Liverpool.—*John Dobel*, Heavitree, Devonshire, painter, Dec. 13 at 10, County Court of Devonshire, at Exeter.—*Edward Bonnington*, Nottingham, coach painter, Dec. 15 at 9, County Court of Nottinghamshire, at Nottingham.—*Samuel Barnes*, Bretby, Derbyshire, farm bailiff, Dec. 15 at 9, County Court of Nottinghamshire, at Nottingham.—*John Milford*, Butterleigh, Devonshire, innkeeper, Dec. 15 at 11, County Court of Devonshire, at Tiverton.—*Samuel Reay*, Tiverton, Devonshire, organist, Dec. 15 at 11, County Court of Devonshire, at Tiverton.—*Wm. E. Vincent*, South Shields, Durham, importer of fruit, Dec. 19 at 10, County Court of Durham, at South Shields.—*William Clark*, Priestthorp, near Bingley, Yorkshire, stonemason, Dec. 21 at 11, County Court of Yorkshire, at Keighley.—*James Upfield*, Sheet, Petersfield, Southampton, butcher, Dec. 16 at 11, County Court of Hampshire, at Petersfield.—*J. Sturges*, Long Sutton, Lincolnshire, blacksmith, Dec. 22 at 10, County Court of Lincolnshire, at Holbeach.—*Robert Brighton*, Norwich, gunmaker, Dec. 9 at 10, County Court of Norfolk, at Norwich Castle.—*T. Mead* the younger, Leighton Buzzard, Bedfordshire, grocer, Dec. 21 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*Jane Lewis*, Carmarthen, dressmaker, Dec. 13 at 2, County Court of Carmarthenshire, at Carmarthen.—*William Brown*, Totton, Eling, Southampton, farmer, Dec. 10 at 10, County Court of Hampshire, at Southampton.—*Thomas Scott*, Oldham, Lancashire, labourer, Dec. 2 at 12, County Court of Lancashire, at Oldham.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Dec. 14 at 10, before the CHIEF COMMISSIONER.

*Thomas George Dewall*, St. John's-wood-road, St. John's-wood, Middlesex, artist.—*Joseph Bennett*, Nicholas-square, Hackney-road, Middlesex, billiard marker.

Saturday, Nov. 26.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Wm. Clough*, Ince, Cheshire, tailor, No. 77,153 C.; *James Rowe*, assignee.—*John Hartley*, Liverpool, out of business, No. 77,090 C.; *John Smith*, assignee.—*Matthew Blake*, Rylston, near Skipton, Yorkshire, out of business, No. 77,132 C.; *Thomas Hollingsworth*, assignee.

Saturday, Nov. 26.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*James H. Browne* the elder, Royal Avenue-terrace, Chelsea, Middlesex, commission agent: in the Queen's Prison.—*Wm. Lang*, Lost's-cottage, Acre-lane, Brixton, Surrey, bricklayer: in the Debtors Prison for London and Middlesex.—*Thomas Shenton*, Bethnal-green-road, Middlesex, tallow chandler: in the Debtors Prison for London and Middlesex.—*Francis Allen*, St. Martin's-le-Grand, London, bookseller: in the Debtors Prison for London and Middlesex.—*James Dabbs*, Gee-street, Brick-lane, St. Luke's, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*C. N. Combetis*, John-st., America-sq., London, merchant: in the Queen's Prison.—*A. Rawlins*, Winchester-terrace, Agar-town, Middlesex, clerk to an attorney: in the Debtors Prison for London and Middlesex.—*Charles Hatcher*, Croydon, Surrey, out of business: in the Gaol of Surrey.—*George Birch* the younger, Lower Brunswick-terrace, Barnsbury-road, Islington, Middlesex, clerk: in the Debtors Prison for London and Middlesex.—*Isaac Thomas Woods*, Westbourne-street, Eaton-square, Pimlico, Middlesex, upholsterer: in the Debtors Prison for London and Middlesex.—*Wm. Robinson*, Seaton Sluice, Northumberland, master mariner: in the Gaol of Morpeth.—*James Jamieson*, Wellington Quay, Northumberland, plumber: in the Gaol of Morpeth.—*Robert Cornelius*, Dawlish, Devonshire, gardener: in the Gaol of St. Thomas-the-Apostle.—*Archibald Anthony Cocke*, Dover, Kent, out of business: in the Gaol of Dover.—*Godfrey Carling*, Kingston-upon-Hull, licensed victualler: in the Gaol of Hull.—*John German*, Lancaster, out of business: in the Gaol of Lancaster.—*Robert Brown*, Selby, Yorkshire, out of business: in the Gaol of York.—*Henry Weatherill*, York, out of business: in the Gaol of York.—*John Arthur*, Enstone, Oxfordshire, innkeeper: in the Gaol of York.—*Edward Knapton*, Sheffield, Yorkshire, beer seller: in the Gaol of York.—*George Oliver*, Leeds, Yorkshire, grocer: in the Gaol of York.—*Joseph Hirst*, Leeds, Yorkshire, out of business: in the Gaol of York.—*George Thacker*, Bradford, Yorkshire, baker: in the Gaol of York.—*Henry Hunt Carter*, Hertford, sheriff's officer: in the Gaol of Hertford.—*William Henry Crosby*, Kingston-upon-Hull, oil distiller: in the Gaol of Hull.—*M. Douglas*, Alnwick, Northumberland, draper: in the Gaol of Morpeth.—*Samuel Skelton*, Sheffield, Yorkshire, auctioneer: in the Gaol of York.—*George Fearnley*, Heckmondwike, Birstal, Yorkshire, draper: in the Gaol of York.—*James Wood*, Almondbury, Holmfirth, Yorkshire, out of business: in the Gaol of York.—*Michael Kemp*, Huddersfield, Yorkshire, tea dealer: in the Gaol of York.—*John Jackson*, Gargrave, near Skipton, Yorkshire, shoemaker: in the Gaol of York.—*Peter Johnstone*, Blackburn, Lancashire, travelling draper: in the Gaol of Lancaster.—*Sarah Proctor*, Salford, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Henry Thomas*, Wigan, Lancashire, joiner: in the Gaol of Lancaster.—*John Owen*, Manchester, iron moulder: in the Gaol of Lancaster.—*John Cure*, Glangwilly, Llanllanthong, Carmarthenshire, gardener: in the Gaol of Carmarthen.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Dec. 15 at 11, before Mr. Commissioner PHILLIPS.

*Abraham Corbett*, Adams-row, Hampstead-road, near Tottenham-court-road, Middlesex, shoemaker.—*Jabez Thos. Richardson*, Church-st., Bethnal-green, Middlesex, clothier.—*James S. Williams*, Upper Stamford-street, Blackfriars-road, Surrey, optician.—*John Wm. Herbert*, Prospect-place, Queen's-road, Dalston, Hackney, Middlesex, grocer.—*John H. Gray*, London-street, Paddington, Middlesex, silversmith.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Dec. 13 at 10.*

*Joseph John Beall, Devonport, beer retailer.—Robert Cornelius, Dawlish, gardener.—Jas. Bellerby, Exeter, newspaper editor.*

*At the County Court of Cheshire, at CHESTER, Dec. 20.*  
*John Harrison, Morley, labourer.*

#### MEETING.

*Charles Crawford, Gateshead, Durham, grocer, Dec. 14 at 12, at Hoyle's, Newcastle-upon-Tyne, sp. aff.*

**COMMISSION ON THE LAWS OF INDIA.**—The Queen has been pleased to appoint the Right Hon. Sir John Romilly, Knt., Master of the Rolls; the Right Hon. Sir John Jervis, Knt., Chief Justice of the Court of Common Pleas; the Right Hon. Sir Edward Ryan, Knt.; Charles Hay Cameron, Esq.; John M'Pherson M'Leod, Esq.; John Abraham Francis Hawkins, Esq.; Thomas Flower Ellis, Esq.; and Robert Lowe, Esq., to be her Majesty's Commissioners in England to examine and consider the reform of the judicial establishments, judicial procedure, and laws of India.

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# The Jurist

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LONDON, DECEMBER 10, 1853.

THE Chancery Improvement Act, and the Orders made pursuant to it, having now been working for some time, we are enabled to speak with something more of precision of their operation than was possible when we were only speculating upon and foreseeing what would be their effect. On one point the anticipations expressed in this journal have been realised, viz. the error committed on the subject of evidence, in not at once boldly, while introducing *viva voce* evidence into the Court of Chancery, introducing the mode of taking and using it adopted in the courts of common law, viz. taking it at the hearing of the cause, and before the judge hearing the cause. Instead of that, as is well known, the evidence in a cause, when taken *viva voce*, is taken before examiners, whose powers are very limited, who have nothing to do with deciding the cause, and who, in fact, are not necessarily informed of the merits and points of the case on which they are to take the evidence. The evidence is taken down in voluminous depositions, which may, and do,

ramble into endless fields of irrelevant matter; and the result is, that huge briefs are brought into existence, of evidence, not one-tenth part of which is often of any use whatever; while, on the other hand, the greatest advantages of *viva voce* evidence—viz. that resulting from the judge of the cause having the opportunity of seeing how the evidence bears on the matters in the cause as they are developed, and that resulting from his seeing the demeanour of the witness—are both practically given up.

The limitation of the power of the examiners to make a note of any objection to materiality or relevancy, instead of deciding it, may or may not be proper when the taking of evidence is delegated to examiners. On that we offer no opinion; but it is plain that it leads to the loading of a record with a great quantity of useless matter—an objection which resolves itself into a money consideration as regards the suitors, and militates much against the benefits to be derived by them from the new system. In a very few instances the Court has itself required the public examination of witnesses, and in every one of those instances the success of the experiment, in leading to a sound decision and a saving of time and expense, has been remarkable. It is quite a mistake to suppose that more time is consumed—that is, time paid for by the suitors or the public—when the evidence is taken at once *viva voce* before the judge at the hearing of the cause, than when it is taken as it now is. Even of the actual time of the judges themselves, it may be doubted whether as much of their time is not occupied in hearing the evidence brought to them from the examiners, as would be occupied if they themselves heard the examination,

checking—nipping in the bud, as they would certainly do—all irrelevant rambling of the witnesses. But even supposing this not to be so, the fearful consumption of time, not only in taking the examination before the examiner, but in recording and repeating in the brief all the evidence, good, bad, or indifferent, would be avoided. It must not be forgotten, that according to the present practice, viewing it only in a money point of view, the evidence is really taken twice over—once before the examiner, and then before the Court. If the Court heard the examination at once, a little more time possibly *might*, though we do not think it usually would, be consumed in each trial; but the expense and delay attending the preparing for trial, would be much diminished.

We trust that in the ensuing session of Parliament, if the judges have no power—and we apprehend they have not—to act by General Orders, this defect of the 15 & 16 Vict. c. 86, will be remedied, and that at any rate power will be given to any substantial party to a suit, to insist that the evidence shall be taken in a cause at the hearing, before the judge who tries it. And we trust also that the use of *viva voce* evidence will be extended, at the desire of either party, to motions. Motions are, in fact, preliminary trials; sometimes they are much more, and involve really all the substance of a case; and trying them by affidavits is shewn more and more to be unsatisfactory, the more it is compared with the trial of any real question upon oral evidence.

#### THE RIGHT TO SUE FOR INFRINGEMENT OF LITERARY COPYRIGHT.

THE right to sue for infringement of literary copyright, in ordinary cases, now depends upon the provisions of the stat. 5 & 6 Vict. c. 45, which repealed the stats. 8 Ann. c. 19; 41 Geo. 3, c. 107; and 54 Geo. 3, c. 156. The act is remarkably ill-conceived, ill-drawn, and ill-expressed. Those parts of it which are material to the present inquiry are the following:—

In sect. 2 the word "copyright" is declared "to mean the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied." The word "assigns" is declared "to mean and include every person in whom the interest of an author in copyright shall be vested, *whether derived from such author before or after the publication of any book*, and whether acquired by sale, gift, bequest, or by operation of law or otherwise."

The 11th section provides, "that a book of registry, wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books, and assignments thereof, and in dramatic and musical pieces, whether in manuscript or otherwise, and licenses affecting such copyrights, shall be kept at the Hall of the Stationers by the officer appointed by the said company for the purposes of the act," and shall be open to inspection, &c.; and copies of such entries, certified and stamped by the officer of the company, "shall be received in evidence in all courts and in all summary proceedings, and shall be *prima facie* evidence of the proprietorship or assignment of copyright or license as therein expressed, but subject to be rebutted by other evidence."

Sect. 12 declares any person wilfully making or causing to be made any false entry in the registry book guilty of a misdemeanour. This provision is material, as shewing the importance attached by the Legislature to the entry as *prima facie* evidence of title.

Sect. 13 declares that "it shall be lawful for the proprietor of a copyright in any book heretofore published, or in any book hereafter to be published, to make an entry in the registry book of the Stationers' Company of the title of such book, the time of the first publication thereof, the name and place of abode\* of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the schedule to this act annexed, upon payment of the sum of 5s. to the officer of the said company."

Sect. 14 provides, "that if any person shall deem himself aggrieved by any entry made under colour of this act in the said book of registry," it shall be lawful for him to apply to the court or to a judge, who may order the entry to be expunged or varied.

Sect. 15 enacts, "that if any person shall, in any part of the British dominions, after the passing of this act, print or cause to be printed, either for sale or exportation, any book in which there shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall import for sale or hire any such book, so having been unlawfully printed†, from parts beyond the sea, or, knowing such book to have been so unlawfully printed or imported, shall sell, publish, or expose to sale or hire, or cause to be sold, published, or exposed to sale or hire, or shall have in his possession for sale or hire, any such book so unlawfully printed or imported, without such consent as aforesaid, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought in any court of record in that part of the British dominions in which the offence shall be committed."

Sect. 16 enacts, that in any action brought within the British dominions against any person for printing any such book for sale, &c., the defendant, on pleading thereto, shall give to the plaintiff a notice in writing, of any objections on which he means to rely on the trial of such action; and if the nature of his defence be, that the plaintiff in such action was not the author or first publisher‡ of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who§ he alleges to have been the author or first publisher of such book, or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein; and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copy-

\* The forms in the schedule contain, in lieu of the publisher's place of abode, the place of publication.

† "So unlawfully printed" here means "so printed without consent," not "so printed in any part of the British dominions."

‡ There is nothing in the act to shew that any right can be derived from first publication. The expression is used for a different purpose in the 3rd section. Perhaps a defence founded on first publication abroad, under the 14th section of the International Copyright Act, 1 & 2 Vict. c. 59, was contemplated.

§ Sic.



ght therein, than the person specified in such notice, give in evidence in support of his defence any other book than one substantially corresponding in title, name, and place of publication with the title, time, and place specified in such notice.

Sect. 17 prohibits the importation of printed copies.

Sect. 24 enacts, "that no proprietor of copyright in any book which shall be published after the passing of his act shall maintain any action or suit at law or in equity, or any summary proceeding, in respect of any infringement of such copyright, unless he\* shall, before commencing such action, suit, or proceeding, have caused an entry to be made in the book of registry of the Stationers' Company of such book†, pursuant to his act: provided always, that the omission to make such entry shall not affect the copyright in any book, but only the right to sue or proceed in respect of the infringement thereof as aforesaid." (*Murray v. Bogue*, 17 Jur., part 1, p. 220; 1 Drew. 353).

Confining our attention to the right to sue for infringements of copyright under the statute of the 5 & 6 Vict., it is to be noticed, in the first place, that no "proprietor of copyright" in any book first published after the passing of the act can maintain any action or suit, or any summary proceeding, in respect of any infringement of such copyright, unless he shall, before commencing such action, &c., have registered his title at Stationers' Hall. (Sect. 24). This enactment is confined in terms to proprietors of copyright, and questions may arise as to its applicability to licensees and purchasers of "editions." An exclusive license to use a patented invention throughout the whole district covered by the patent, and for the remainder of the patent term, has been held not to vest the privileges granted by the letters-patent, or the trust of them, in the licensee, within the meaning of the condition against assignments to more than twelve persons, which was formerly inserted in letters-patent. Parke, B., inquired, during the argument, if it was contended that the licensee was to be considered as part of the patent. (*Protheroe v. May*, 5 M. & W. 675). But that decision is generally considered to be erroneous. However that may be, mere licensees generally stipulate that the patentee shall sue all infringers; although it seems that a licensee may sue in his own name for special damages. (*George v. Beaumont*, Webst. Pat. 24, note).

Patented inventions are very commonly worked under licenses which confer no exclusive privilege, the licensee paying a royalty or other consideration for the license, and submitting to the competition of any other manufacturers who may obtain the same permission on similar terms. Such a licensee clearly has no interest in the patent itself, although even he is, perhaps, entitled to sue a pirate in respect of any special damage he may have sustained from the infringement. But the practice with respect to copyright is different. Sometimes a publisher prints and sells a book merely as agent for the proprietor; (*Nicol v. Stockdale*, 3 Swanst. 687); if he prints on his own account, he has purchased either the entire copyright or a license to print an edition. A license to print a book is almost invariably an exclusive license, and the meaning of the parties, though it is seldom explicitly declared, is by the custom of the trade understood to be, that the licensee shall have the privilege of printing a certain number of copies, called an "edition," and that no other copies shall be printed by any other person until his edition is sold off. When a work is printed from moveable types, as many copies as the speculator thinks will be required are struck off, and the types are then distributed, or rather they are distributed from time to time, as each sheet is printed off, during the course of the

work through the press. This impression constitutes an edition, and the work is not again printed until that edition has been sold off. Under special circumstances the proprietor of the edition determines or is induced to sacrifice the monopoly of the copies for the time being on hand, in order to make way for a new edition, with increased attractions. Sometimes a "remainder" is sold to another bookseller, on the understanding that a new edition may be published forthwith. (See *Banning v. Dove*, 5 Car. & P. 427). When a work of a permanent nature is stereotyped, the copies are taken off from time to time as they are required; and the term "edition," when applied to works so printed, does not express a fixed number of copies, but is used merely to distinguish the different forms in which the work may be printed, as "the stereotype edition," "the library edition," &c. Engraved music, &c. stands on the same footing. When a stereotyped work is not printed on the account of the proprietor of the copyright, the right of printing is regulated by a special agreement, the terms of which are very different in different cases. Sometimes the licensee keeps an account, and pays a royalty, according to the number of copies sold. Sometimes he purchases a fixed number of copies, or the right to print so many, and the owner of the copyright undertakes that no more copies shall be taken until that impression is sold off. Sometimes the use of the plates is granted for a fixed time, with special provisions for the disposal of the copies on hand at the end of the term. But generally, whenever an edition of a work is printed on the account of a publisher, under a license from the author, it is an essential term in the contract, though one which is seldom expressed, that no other copies shall be made until the "edition" has been sold off, or is "out of print." In *Sweet v. Cater* (11 Sim. 578) the publisher, by agreement with the author, was to print a certain number of copies on his own account, and to sell them at a certain price. It was held he had "obtained a right in the copyright of the work to the extent that he was to be at liberty to be the sole publisher of it until the whole edition, consisting of 2500 copies, should be sold. He therefore was an assign of the copyright in a limited sense." The injunction being granted on the usual conditions, that the plaintiff would undertake to try his right at law, and the author declining to permit his name to be used, the defendants were ordered to admit at the trial that the plaintiff was the legal proprietor of the copyright in the edition in question. (See *Simms v. Murray*, 20 L. J., Q. B., 454).

There is, therefore, some ground to contend that the proprietor of an edition of a work, under an agreement in writing, is a legal assign of the copyright for an uncertain term, and must register his title before he can sue for infringements. If he is not to be considered a proprietor of the copyright within the 24th section of the act, he may sue without registering his title, for the remedy given to the proprietor by the 12th section of the act does not exclude the common-law remedy founded on the general rights established by the act. (*Beckford v. Hood*, 7 T. R. 628; *Novello v. Suddow*, 16 Jur., part 1, p. 689). But his title to sue must, it seems, be founded on some agreement or license in writing, for a consent in writing is required by the 15th section to authorise the printing &c. of a copyright work. In this respect the act agrees with the older acts. It may be a question, however, whether this provision applies to a license to print a work not previously published. In *Knaplock v. Curle*, (Vin. Ab., tit. "Books," 3), Lord Macclesfield said that the bare delivery of the copy by the author to be printed was an authority to the printer to print that edition only; and in *Carey v. Kearsley*, (4 Esp. 169), Lord Ellenborough said, "that at law the first publisher, even though he has abused his trust by procuring the copy, has a right to it, and to an action

\* That is to say, the proprietor suing.

† This means, of the proprietorship of the copyright.



against a person who publishes it without authority from him." The case shews that by "copy" his Lordship meant the information embodied in the copy. It is remarkable that the act requires registration of title as a condition precedent to any proceedings against the infringer of copyright "in any book first published after the passing of this act." (Sect. 24). This provision cannot apply to the author of a work in MS. who has not authorised any publication of it, for the entry on the register is required to express the date of the first publication.

The next question is as to the proof of a title as proprietor of the copyright. The original proprietor is necessarily the author, and as a license to print is expressly required to be in writing, it follows that an assignment must also be by writing. The statute of Anne required a license to be attested by two witnesses, and therefore an assignment of copyright prior to the statute of Victoria also required two witnesses. (*Davidson v. Bohn*, 6 C. B. 456). The mistake has been committed of regarding copyright as in the nature of an incorporeal hereditament, requiring a deed for its transfer; (*De Pinna v. Polhill*, 8 Car. & P. 78); and it has even been supposed that the statute of Victoria implies the necessity of a deed to a transfer otherwise than by registration, because it declares (sect. 14) that a transfer on the register shall be of the same force and effect as if it had been made by deed. But that merely means effect by way of estoppel, implying a consideration, &c. Entry on the registry at Stationers' Hall is declared to be *prima facie* evidence of title, but subject to be rebutted by other evidence. Persons wilfully making false entries are punishable, and a remedy is given to any person aggrieved by any entry to have it expunged or corrected. We shall here repeat some remarks on the effect of the enactment which have already appeared in *The Jurist*. (12 Jur., part 2, p. 224). When the author's name is on the title-page, and he is the proprietor, an entry under the statute is superfluous as a matter of evidence; and therefore an entry of proprietorship by some one claiming as assignee must have been intended. If a person who has no title procure himself to be registered as proprietor, how is his *prima facie* title under the registry to be rebutted? It is evidence of his title at the date of the entry. It cannot, therefore, be rebutted by shewing that at some time prior to the entry some other person was entitled, for non constat that the prior title has not determined; and in the case supposed there must necessarily have been a time when some other person, namely, the author, was entitled. The *prima facie* case made by the entry can, therefore, be rebutted only by proof of a subsequent alienation by the person registered as proprietor, or by proof that the alleged copyright never existed at all in any person, (as by shewing a prior publication abroad), or that it has determined, or by calling the author, or some one who proves a title under him prior to the registration, to prove that no assignment has been made to the plaintiff. If another person claims to be entitled to the copyright, his remedy is to apply to the court or a judge for an order to expunge the entry, which will be granted, we presume, with costs, if the registered proprietor do not regularly prove his title. This provision, and that which makes the wilful procuring of a false entry a misdemeanour, are quite sufficient to prevent any ill use being made of the enactment, which thus in a very efficient and unobjectionable manner relieves the plaintiff from the trouble and expense of proving his proprietorship in all cases when that fact is not in dispute. The effect of the enactment was discussed on the trial of *Boosey v. Purday*, but no light was thrown on it, the Chief Baron holding that proof of a first publication abroad was fatal to the existence of any copyright here\*.

\* Our readers will remember that the decision of the Court

The construction here suggested is encountered by the authority of *Davidson v. Bohn*, (6 C. B. 456; 12 Jur., part 1, p. 922), which was an action for the infringement of the plaintiff's copyright in certain songs. The plaintiff had registered his title to all of them under the act 5 & 6 Vict. c. 45. The songs had all been composed long before the passing of that act. The plaintiff claimed under assignments from the composers, and it is stated in *The Jurist* report, that, his title by registration being rebutted by evidence on the part of the defendant, he was driven to prove it by other means; and the original assignments by the authors (long prior to the act of Victoria) having been by parol, except one, which was by deed attested by one witness, it was held that the title was not proved, the statute of Anne requiring licenses, and therefore *a fortiori* assignments of copyright, to be in writing, attested by two witnesses. It is submitted that this decision cannot be supported, unless, which does not appear, there was some distinct evidence on the defendant's part inconsistent with the assumption that the plaintiff had any title at the date of the registry. The statute of Victoria does not require a license to be attested.

In *Stevens v. Wildy* (19 L. J., Ch., 190) the bill, filed by the author and publishers of a work for relief against piracy, stated that the work had been composed and published for the joint benefit of the plaintiffs, who had been duly registered at Stationers' Hall as the proprietors. The registration of the joint title was the first and only entry relating to the work, no entry of the author's proprietorship, or of an assignment by him, having been made. The Vice-Chancellor held that the title was sufficiently proved, and that the author had a right to associate with himself in the title, by registry under the act, any person he pleased.

In equity, relief will be granted upon a title which is not a legal title; and it has been granted upon a title under a parol contract part performed. (*Longman v. Ozberry*, Gods. Pat. 429; *Sweet v. Shaw*, 3 Jur. 217; 17 L. J., Ch., 216; *Sweet v. Maugham*, 4 Jur. 456, 479; 18 L. J., Ch., 323. See *Colburn v. Duncombe*, 9 Sim. 161, and *Simms v. Marryat*, 20 L. J., Q. B., 454). In *Morris v. Kelly* (1 J. & W. 481) an injunction was granted upon an affidavit of an assignment in writing having been made to the plaintiff by a party claiming as assignee, without any statement that the first assignment was by writing. The Court left it for the defendant to prove that the plaintiff's title was not regular. This is not quite satisfactory. *Rundell v. Murray* (Jac. 311) may be cited in favour of establishing an equitable title by parol; for though there the defendant did not establish a title by parol, he established a parol license to print, which is equally, or rather, more directly, contrary to the letter of the statute. And see *Barfield v. Nicholson*, (2 L. J., O. S., Ch., 102), stated below.

With respect to encyclopædias and periodicals, the 18th section of the stat. 5 & 6 Vict. c. 45, enacts, "that when any publisher or other person shall, before or at the time of the passing of this act, have projected, conducted, and carried on, or shall hereafter project, conduct, and carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles, or portions thereof, for publication in or as part of the same, and such work,

of Exchequer in *Boosey v. Purday* (13 Jur., part 1, p. 918) was discussed at some length in *The Jurist*. (14 Jur., part 2, p. 46). That decision was overruled in the Exchequer Chamber, in accordance, we believe, with the general opinion of the Profession. (*Boosey v. Jefferys*, 15 Jur., part 1, p. 540; 6 Exch. 580). But the piratical publishers have carried the litigation into the House of Lords, where the question is now pending.

dumes, &c. shall have been or shall hereafter be composed under such employment, on the terms that the copyright therein shall belong to such proprietor, &c., and paid for by such proprietor, &c., the copyright in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts\*, and in every volume, part, essay, article, and portion composed and paid for, shall be the property of such proprietor, &c., who shall enjoy the same rights as if he were the actual author thereof, and shall have each term of copyright therein as is given to the authors of books by this act; except only that in the case of essays, articles, or portions forming part of and not published in reviews, magazines, or other periodical works of a like nature†, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this act. Provided always, that during the term of twenty-eight years the said proprietor, &c. shall not publish any such essay, article, or portion separately or singly without the consent‡ previously obtained of the author thereof or his assigns. Provided also, that nothing herein contained shall alter or affect the right of any person, who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who, by any contract, express or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right shall be entitled to the copyright in such composition when published in a separate form, according to this act, without prejudice to the right of such proprietor, &c. as aforesaid."

On this section a question has been raised, whether the publisher of a periodical, &c. has under that section any copyright in an article which he has not paid for. The language is certainly involved, but it is not ambiguous in terms. The words are, when any publisher or other person shall have projected, conducted, and carried on, or shall hereafter project &c., any encyclopædia, &c., and shall have employed or shall employ any persons to compose the same, or any volume, parts, essays, articles, or portions thereof, for publication in or as part of the same, "and such work, volumes, &c. shall have been or shall hereafter be composed under such employment, on the terms that the copyright therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, &c. The literal meaning is—when such book shall have been or shall be composed under such employment, on the terms, &c., and [shall have been or shall be] paid for. All doubt is removed by the subsequent words, which declare the ownership of the copyright in every volume "so composed and paid for." The question, however, has been treated as arguable. (*Brown v. Cooke*, 11 Jur., part 1, p. 77; *Richardson v. Gilbert*, 1 Sim., N. S., 336). But though the grammatical construction makes actual payment a condition precedent to the acquisition of the copyright, the meaning seems to be merely that the proprietor shall buy the article; and whether he buys it for ready money or on credit is immaterial. When the effect of the clause is carefully considered, "paid for" will probably be held to mean "purchased for a pecuniary or valuable consideration." If that were not so, there would be no protection for the proprietor of a newspaper. He could not pay for every report and contribution at or before the moment of publica-

tion; and if his copyright depended on such prompt payment, it could not exist during the few hours in which alone it would be valuable. Nor could it have been intended to put the proprietor of any other serial work to the inconvenience of being obliged to pay for each contribution promptly on publication. On the other construction, the copyright in the interval would be, both at law and in equity, in the author, and he might authorise any other person to make copies, the sale of which copies, once authorised by the owner of the copyright, could not afterwards be restrained; otherwise the reservation of the author's right would be ineffectual; for non constat that he will ever be paid. The intention to shift the copyright from the author to the projector at the moment of payment is too absurd to be imputed to the Legislature. Another construction may be, that payment vests the title by relation from the day of publication.

It is important to notice, with respect to this enactment, that the projector of a work, who employs various writers to carry his plan into effect, has been considered to be entitled to the copyright under the statute of Anne. (*Barfield v. Nicholson*, 2 L. J., O. S., Ch., 102). Sir J. Leach, V. C., said, "I am of opinion, that under that statute, the person who forms the plan and who embarks in the speculation of a work, and who employs various persons to compose different parts of it, adapted to their own peculiar acquirements—that he, the person who so forms the plan and scheme of the work, and pays different artists of his own selection, who, upon certain conditions, contribute to it, is the author and proprietor of the work—if not within the literal expression, at least within the equitable meaning, of the statute of Anne, which, being a remedial law, is to be construed liberally." Whether the statute of Anne is strictly capable of that interpretation or not, there can be no doubt that at the common law the copyright in such a work, and in every article contained in it, would belong to the projector; and there is strong ground for contending that the recent Copyright Act has not taken away the common-law right. (See *Boosey v. Tolkien*, 5 C. B. 476). The copyright intended by Sir J. Leach, V. C., in *Barfield v. Nicholson* was not the right to the name and plan of the publication, about which there could be no doubt, (*Hogg v. Kirby*, 8 Ves. 215; *Seeley v. Fisher*, 11 Sim. 581), but the right to the individual article contained in it. In *Wyatt v. Barnard* (3 V. & B. 77) an injunction to restrain the piracy of translations originally appearing in a periodical called "The Repertory of Arts" was granted by Lord Eldon upon an affidavit that they were made by a person employed and paid by the plaintiff, from foreign books imported by the plaintiff at a considerable expense.

If, in cases not within the 18th section, the projector of an encyclopædia, &c. has a copyright in the various contributions by implied contract, that copyright must necessarily be either a perpetual copyright at common law, or a right for the period given to the author by the statute, i. e. the term of the author's life and seven years more, or a term of forty-two years from the first publication, whichever is longest. But in cases within the 18th section the proprietor is to enjoy the same rights as if he were the actual author, and to have such term of copyright as is given to authors. This must mean, if the proprietor is a single person, a copyright for his own life and seven years more, or forty-two years, as the case may be. If the proprietorship is in several persons, the term of seven years must, it is conceived, be calculated from the death of the survivor, even though there is no right of survivorship; and the term of forty-two years must be calculated from the day of the publication of the particular part in which copyright is claimed, and the life or lives must be the life or lives of the actual legal proprietors on the day of

\* The words "or any book whatsoever" are not repeated here.

† Encyclopædias and serial works, not of the nature of a review or magazine, are excluded from this provision. (See *The Bishop of Hereford v. Griffin*, 16 Sim. 194).

‡ This consent is not required to be in writing.

publication. If the proprietor were a corporation there would be a difficulty.

The words "on the terms that the copyright therein shall belong to such proprietor," &c. were intended, it is conceived, to provide for the case of an actual agreement to the contrary; for when the proprietor of an encyclopædia, &c. engages writers to contribute articles for reward, the inference is inevitable that he purchases the copyright, if nothing is said to the contrary. The decision in *The Bishop of Hereford v. Griffin* (12 Jur., part 1, p. 255; 16 Sim. 190) cannot, it is conceived, be supported. There the assignee of the copyright of an encyclopædia was, on the application of the author of an article in it, restrained from publishing the article separately, though the author's affidavit merely negatived any express agreement that the copyright was to belong to the proprietors for all purposes. The Vice-Chancellor said, "The copyright was in the author, except so far as he parted with it; therefore no reservation was necessary to constitute a right in him." That is not so; if the projector takes any interest in the copyright under the act, he takes the whole, unless a contrary agreement is shewn. In the latter part of the section the possibility of there being an implied reservation by the author of the right to publish in a separate form is recognised.

Even where no copyright is acquired under the 18th section by the proprietor of a periodical, he would, it is conceived, be entitled to prevent the publication by another of any of the articles in a manner calculated to injure his interest in the original work; for the authors of the articles could not treat the original publication, which they had themselves sanctioned, as unauthorised, merely for the want of a written license; and their employment by the proprietor would imply an engagement that they should not reprint their contributions, so as to interfere with the sale of his edition; still less would a stranger be allowed to do so. In this view the decision in *Brown v. Coote* (11 Jur., part 1, p. 77) seems to have been wrong.

#### THE STATUTE-LAW COMMISSION.

WE continue our extracts from Mr. Coode's papers:—

This is followed by some remarks on the difficulty of dealing with subjects that have become complicated by successive amendments, and with obsolete provisions, of which we give the conclusion:—

"(34). As to all these cases of unexpressed repeals, even of repeals expressed but not defined, and as to all this so-called virtual repeal and abrogation and supersession of law, and all the obsolescence of laws still allowed by the Legislature to retain the form and apparent force of law, there appears to me but one safe and unobjectionable course to pursue; that is, to collect together all the matter in eadem materia under the heads in respect of which such matter has any similitude. By this digestion and juxtaposition of alternative and incongruous, non-coincident, and it may be contradictory matters, their multiply or repugnant character would be made manifest, and the Legislature, which has deliberately created all the accumulated matter, and which has not manifested a clear intention of abrogating any of it, will then have present to it the means and the opportunity to declare definitively, with that authority which only rightfully resides in itself, what of such law shall henceforth remain 'in force,' and what shall henceforth be 'not in force.' The process of ascertaining such connexion and interoperation of the statutes, so far as their connexion is manifest in their terms or is deducible from intrinsic evidence, is the subject of the remainder of this paper. The process

of the digestion of this connected matter is the subject of the next following paper.

"(35). Although it is impossible, without performing all the processes required in an exhaustive and complete consolidation of the law, to determine conclusively what is absolutely in force and what is absolutely not in force, still the daily operations of every lawyer, and the preliminary operations of the members of this commission, must involve the consideration and determination of some portion, and in the case of this commission a large portion, of this question.

"What is certain is, that when this operation is well performed by any one person in any one case, it might, if duly registered, save all the trouble of the operation to every other person to whom the results were communicated; one person's labour applied to the task might, in this respect, save the equal labour of all the rest; and, indeed, more than this, inasmuch as his continuous and undivided labour would give him more facilities for the performance of all the parts than would be possessed by any other.

"The register, of which a specimen is appended to this paper, is offered as a means of registering these facts exhaustively, and of continuing the registration from year to year, concurrently with the operations of the Legislature, until a comprehensive and effectual and sustained consolidation of the statute law renders it unnecessary, as it would do.

"(36). The specimen is partial as to its contents, being primarily intended to aid the labours of this commission, and therefore confined to the subjects which our instructions direct us to deal with, omitting all details of legislation as to finance and military matters, and Scotch and Irish matters, and, by an extension in presumed consistency with these instructions, all other matters specially relating to the administrative or executive government, to international or diplomatic affairs, and to the colonies.

"What remains is dealt with in the manner proposed in relation to all the acts of the present session (16 Vict.) published when the operation stopped, and to the whole of the acts of the previous session, (15 & 16 Vict.)

"(37). The reason for commencing with the most recent, and proceeding regularly backwards to the earliest, acts of legislation is obvious. The last act must be in force, unaffected by subsequent legislation, and it may itself affect indefinitely any number of antecedent acts. It is a simple course at once to register all its ascertainable operations upon those acts, by erasure of those acts, by interpolations in their text or on their margin, and by the insertion of all these effects in the proper columns in such a register as the present. But as to any act of an earlier time, it is impossible to ascertain, upon its face or in its terms, what its operation is upon subsequent legislation, or how it is operated upon by it, and anything noted or registered, as ascertained by its terms, may be afterwards discovered to be rendered of no effect, upon ascertaining the operation of some subsequent act. To begin, then, with the last legislation, and to proceed backwards, is to proceed surely, with the absolute certainty of discovering the repeals, continuances, revivals, amendments, at that place where they can be at once noted and registered, without a possibility of subsequent discovery rendering the labour useless. A further reason is, that to deal first with the most recent legislation is to operate upon that part of the law which is of the most instant importance and utility.

"(38). The register contains, in the first column, headed 'Statute,' the designation of each act by the reign and chapter, and of every section by its number.

"For nothing less than the examination of every section can discover what law is in force, what amended,

that abrogated. Amendments, repeals, express or virtual, constantly lurk in single sentences, phrases, words. The greatest act may be repealed by the most obscure clause in another, not indicated by the title or in the margin, and only discoverable by the perusal of the words; and, conversely of the matter passively affected by amendment or repeal, whatever is affected by general or comprehensive repeals must be discovered by the like minute perusal of the matter affected.

"Accordingly, this specimen exhibits several instances even of single clauses partly amended, partly repealed, part operating or operated upon one way, another part another.

"(39). The second column, headed 'SS,' is to exhibit the total number of sections in each act. They may be added up at the end of the session, or for any period, great or little, and give any result required as to the number of sections in any number of acts.

"This column is not of much utility, but it costs almost no labour or space.

"(40). The next column, headed 'Subjects,' shortly indicates the subject of the act; and, as to acts relating to the subjects excluded in our instructions, indicates at the same time enough to shew the existence of such acts, and the reason why their contents are not analysed and examined section by section.

(To be continued).

#### PUBLIC EXAMINATION.—HILARY TERM, 1854.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

#### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Hilary Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Wednesday, the 4th day of January next; and he will further be required to state in writing

whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Wednesday, the 11th day of January next, and will be continued on the Thursday and Friday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Wednesday morning, the 11th January, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Thursday morning, the 12th January, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Friday morning, the 13th January, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Friday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than ten terms shall not be admitted to an examination.

THE READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect all students to answer any general questions relating to the History of England, and to be well acquainted with the History of the Reigns of James I and Charles I, the Civil War, and the Reigns of Charles II and James II.

The candidates for distinction will be expected to know the progress of our institutions, and the changes of our Constitution. They will be examined as to the details of the Parliamentary struggles and of the State Trials during the above-mentioned reigns, and also the progress of Constitutional Law. They will also be required to answer questions on the Treaties between this Country and the States of Europe during the same period.

The books for the ordinary examination will be Hallam, Rapin, and Blackstone.

Those for the candidates for distinction will be Hallam, Rapin, Burnet's History of his own Times, Sir W. Temple's Letters and Memoirs, Lord Clarendon's History and Life, May's History, and the State Trials.

The READER ON EQUITY proposes to examine in the following books:—

1. Mitford on Pleadings in the Court of Chancery; Fonblanque on Equity; Principal Cases in White & Tudor's Leading Cases; the Act for the Improvement of Equity Jurisdiction, 15 & 16 Vict. c. 86.

2. Spence on the Equitable Jurisdiction of the Court of Chancery, vol. 1, part 2, book 1; Story's Commentaries on Equity Jurisprudence, vols. 1 and 2; White & Tudor's Leading Cases, vols. 1 and 2; Sir James Wigram's Points in the Law of Discovery.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER ON THE LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property.

2. Stephen—Com., vol. 1, book 2.

3. The Learning of Powers—Sugd. Pow., chap. 1, ss. 1, 2, 4; chap. 2; chap. 3, ss. 2, 3; chap. 4; chap. 6, s. 1.

4. The Statutory Alterations effected in the Law of Real Property from the commencement of the reign of William IV.

5. The Learning of Powers—Sugd. Pow., chap. 6, s. 9; chaps. 7, 8, 18.

6. Cru. Dig., tit. 16, "Remainders."

Candidates for a studentship or other honorary distinction will be examined in all the foregoing books and subjects. Candidates for a certificate merely will be examined in 1, 2, and 3.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine on the following subjects:—

1. The Roman Law of Persons. The modern treatises referred to may be the Institutiones and Commentarii Juris Romani Privati of Warnkönig; and, on the subject of Tutelage, the Pandekten of Puchta.

2. The Roman Law of Criminal Process. The modern authorities consulted may be Laboulaye—Lois Criminelles des Romains; Plattner—De Jure Criminum Romano, Quest. VI; or Phillimore—Introduction to the Study of Roman Law, pp. 138 et seq.

3. The Conditions of Legislative Power. Austin—Province of Jurisprudence Determined, Lect. 6, pp. 197—296.

4. The Conflict and Harmony of Laws in the Interpretation of Foreign Contracts. Foelix—Droit International Privé, pp. 136 et seq.; Story—Conflict of Laws, chap. 8.

5. The Rights and Duties of Neutrals. Wheaton—Elements of International Law, French ed., vol. 2, pp. 72 et seq.; English ed., vol. 2, pp. 132 et seq.

Candidates for distinction will be examined in all the foregoing subjects. Candidates for a certificate will be examined in 4, and also in 1, so far as the subject there indicated is treated of in the first book of the Commentaries of Gaius, and in the Institutes of Justinian.

The READER ON COMMON LAW proposes to examine in the under-mentioned books and subjects:—

1. The Nature and Component Elements of our Common Law, as set forth in Blackstone's (or Stephen's) Commentaries, vol. 1, Introduction, s. 3.

2. The Law of Contracts, so far as treated of in Smith's Lectures upon that subject, Lects. 1 to 5 inclusive.

3. The Common-law Procedure Act, so far as it relates to—

1. Writs for Commencement of Actions, ss. 2—25.

2. Pleadings in General, ss. 49—57.

4. The Practice connected with the Indictment—what it is, when and against whom it lies, and how found, (Archbold's Criminal Pleading, by Welsh, 12th ed., chap. 1, ss. 1, 2, 7).

5. The Law as to Bailments in General, (Story on Bailments, chap. 1).

6. The case of *Ashby v. White*, (1 Smith's Lead. Cas. 105), with the note thereto.

Candidates who desire a certificate merely will be examined in the 1st, 2nd, and 6th of the above subjects. Candidates for the studentship or for honours will be expected to answer questions arising upon all the subjects and portions of books above specified.

By order of the Council,

RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn,

Dec. 2, 1853.

### London Gazette.

FRIDAY, DECEMBER 2.

#### BANKRUPTS.

LOUIS DIESPECKER, Little Moorfields, London, dealer in French purses, cigar cases, pipes, and general fancy articles, cigars, and watches, Dec. 9 at half-past 11, and Jan. 12 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Solomon, 136, Fenchurch-street.—Petition filed Nov. 21.

JOHN JAMES HARRIS, Cranmer-place, Waterloo-road; Waterloo-road; and the Arches, Waterloo-bridge, Hoveley-place, Belvedere-road, Surrey; Monmouth-road, Baywater, and Maids-vale, Edgeware-road, Middlesex, brewer, dealer in beer, dealer and chapman, Dec. 9 at 11, and Jan. 12 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Neal, 5, Austin-friars.—Petition filed Nov. 29.

WILLIAM BROWN, Portsmouth, Southampton, licensed victualler, wine and spirit merchant, dealer and chapman, Dec. 15 and Jan. 17 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Ford, Portsea, Hampshire; Lov, 65, Chancery-lane, London.—Petition filed Dec. 1.

WILLIAM ANDREW, High-street, Shadwell, Middlesex, baker, Dec. 9 and Jan. 14 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Newbon & Evans, 1, Wardrobe-place, Doctors'-commons.—Petition dated Nov. 30.

HUGH WILLIAMS the younger, West Smithfield, London, tailor and commission agent, dealer and chapman, (carrying on business with Hugh Williams the elder and John Williams), Dec. 12 at 11, and Jan. 7 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Sheard & Baker, 6, Old Jewry, London.—Petition dated Nov. 23.

JOHN EDWARD CROCKFORD, Wendover, Buckinghamshire, grocer, dealer and chapman, Dec. 9 at 1, and Jan. 14 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Benson, Aylesbury; Amory & Co., 25, Throgmorton-street.—Petition dated Nov. 16.

EDWARD COX, Great Queen-street, Lincoln's-inn-fields, Middlesex, plane and lathe manufacturer, dealer and chapman, Dec. 14 at 1, and Jan. 10 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Greig, Gray's-inn-square.—Petition filed Nov. 30.

JOHN WILLS, Exeter, builder, Dec. 8 and Jan. 11 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Petition filed Nov. 30.

EDWARD BLADON and HENRY COATES, Manchester, stuff merchants, warehousemen, dealers and chapmen, Dec. 19 and Jan. 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Nov. 24.

#### MEETINGS.

Edward Upton Spashett, Barking, Essex, mast maker, Dec. 19 at 2, Court of Bankruptcy, London, pr. d.—William Whately, Laurence Pountney-hill, London, merchant, Dec. 16

11, Court of Bankruptcy, London, aud. ac.—*T. Davies*, erravon, Glamorganshire, grocer, Dec. 15 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Jan. 12 at 11, div. *William Hough* the younger, Rochdale, Lancashire, joiner, ec. 14 at 12, District Court of Bankruptcy, Manchester, d. ac.—*Thomas Lawson*, Bury, Lancashire, draper, Dec. 13 12, District Court of Bankruptcy, Manchester, aud. ac. *Caleb Radcliffe Bury*, Hulme, Manchester, drysalter, ec. 14 at 12, District Court of Bankruptcy, Manchester, d. ac.—*W. Wilkins* and *John Everett Evans*, Trowbridge, Wiltshire, woollendrapers, Dec. 27 at half-past 11, Court of Bankruptcy, London, div.—*Numa Berton*, Princes-street, anover-square, Middlesex, tailor, Dec. 27 at 12, Court of Bankruptcy, London, div.—*Rayner Graves*, Edwards-street, Portman-square, Middlesex, saddler, Dec. 27 at 11, Court of Bankruptcy, London, div.—*Wm. Willis*, Trowbridge, Wiltshire, wool broker, Dec. 27 at 11, Court of Bankruptcy, London, div.—*Wm. Wellington* and *Robert Butterfield*, Brigham, Sussex, lacemen, Dec. 23 at 11, Court of Bankruptcy, London, div.—*Edmund English* and *Edmund F. English*, ath, Somersetshire, auctioneers, Jan. 6 at 11, District Court of Bankruptcy, Bristol, fin. div.—*John Danby*, Wellington, Wiltshire, grocer, Dec. 24 at 10, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Matthew Potheary*, Martin, Wiltshire, sheep salesman, Dec. 23 at 2, Court of Bankruptcy, London.—*Jos. Archibald Joyce*, Old Broad-st., London, merchant, Dec. 23 at half-past 11, Court of Bankruptcy, London.—*Henry Baker*, New Oxford-st., Bloomsbury, Middlesex, ironmonger, Dec. 23 at half-past 11, Court of Bankruptcy, London.—*Geo. Hunter*, Leeds, Yorkshire, manufacturing chemist, Jan. 9 at 12, District Court of Bankruptcy, Leeds.—*Wm. Harris Collins*, Chapstow, Monmouthshire, grocer, Jan. 2 at 11, District Court of Bankruptcy, Bristol.—*Stephen Crute*, Liverpool, slater, Dec. 28 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Reynolds* the younger, Fulford Hall Farm, Warwickshire, sheep salesman, Jan. 5 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Reynolds* the elder, Wiggins-hill, Warwickshire, cattle dealer, Jan. 5 at 11, District Court of Bankruptcy, Birmingham.—*C. Gardner Cresswell*, Kidderminster, Worcestershire, chemist, Jan. 5 at 11, District Court of Bankruptcy, Birmingham.—*James George Retchford*, Stone, Staffordshire, shoe dealer, Jan. 5 at 11, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*John Johnson*, Great Winchester-st., London, East India merchant.—*Wm. Rainford*, Liverpool, upholsterer.

## PARTNERSHIP DISSOLVED.

*W. Visard* and *James Leman*, Lincoln's-inn-fields, Middlesex, attornies, solicitors, conveyancers, money scriveners, auditors, and receivers.

## SCOTCH SEQUESTRATIONS.

*D. McKenzie*, Dingwall, innkeeper.—*Kenneth McKenzie Thorburn*, Esq., Edinburgh, writer to the signet.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Robert Middleton*, Stamford, Lincolnshire, farmer, Dec. 19 at 10, County Court of Lincolnshire, at Stamford.—*George Pernham*, Stamford, Lincolnshire, harness maker, Dec. 19 at 10, County Court of Lincolnshire, at Stamford.—*W. North*, Dec. 16 at 10, County Court of Shropshire, at Wellington.—*Joseph Mather*, St. Helen's, Lancashire, labourer, Dec. 14 at 12, County Court of Lancashire, at St. Helen's.—*Thomas Linton*, Canterbury, Kent, furniture dealer, Dec. 14 at 11, County Court of Kent, at Canterbury.—*Wm. Abrey*, Fingringhoe, Essex, market gardener, Dec. 19 at 12, County Court of Essex, at Colchester.—*Wm. Storey*, Guisbrough, Yorkshire, butcher, Dec. 16 at 11, County Court of Yorkshire, at Stokesley.—*John P. Harris*, Purlieigh, Essex, blacksmith, Dec. 20 at 12, County Court of Essex, at Maldon.—*Thomas Reading*, Leamington Priors, Warwickshire, broker, Dec. 19 at 2, County Court of Warwickshire, at Warwick.—*Joseph Mullings*, Trowbridge, Wiltshire, woollsorter, Dec. 9

at 12, County Court of Wiltshire, at Trowbridge.—*W. Luff*, Landport, Southampton, out of business, Dec. 23 at 11, County Court of Hampshire, at Portsmouth.—*R. Boxall*, Portsmouth, baker, Dec. 23 at 11, County Court of Hampshire, at Portsmouth.—*John H. Perkins*, Landport, Southampton, grocer, Dec. 23 at 11, County Court of Hampshire, at Portsmouth.—*Robert Elliott*, Swansea, Glamorganshire, beer-house keeper, Dec. 12 at 10, County Court of Glamorganshire, at Swansea.—*John Middleton*, Newcastle-upon-Tyne, joiner, Dec. 22 at 10, County Court of Northumberland, at Newcastle.—*James Oldham*, Newcastle-upon-Tyne, grocer's assistant, Dec. 22 at 10, County Court of Northumberland, at Newcastle.—*David Jeremy* the elder, Swansea, Glamorganshire, grocer, Dec. 12 at 10, County Court of Glamorganshire, at Swansea.—*G. Bond*, Fressingfield, Suffolk, grocer, Dec. 12 at 1, County Court of Norfolk, at Harleston.—*Elizabeth Peek*, Merthyr Tydvil, Glamorganshire, eating-house keeper, Dec. 8 at 10, County Court of Glamorganshire, at Merthyr Tydvil.—*William Carpendale*, Leicester, out of business, Dec. 14 at 10, County Court of Leicestershire, at Leicester.—*Matthew Ibbotson*, Staleybridge, Cheshire, grocer, Dec. 15 at 12, County Court of Lancashire, at Ashton-under-Lyne.—*Charles Vining*, Bristol, corn merchant, Dec. 7 at 11, County Court of Gloucestershire, at Bristol.—*George Bull*, Bristol, dealer in milk, Dec. 7 at 11, County Court of Gloucestershire, at Bristol.—*John Colledge*, Leamington Priors, Warwickshire, groom, Dec. 19 at 2, County Court of Warwickshire, at Warwick.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 16 at 10, before the CHIEF COMMISSIONER.*

*Wm. R. Hampson*, Crown-row, Walworth-road, Surrey, milliner.—*Henry Thos. Masterman*, North Woolwich, Kent, superannuated governor of The Warrior convict ship.

*Dec. 16 at 11, before Mr. Commissioner MURPHY.*

*Wm. Simpson*, Suffolk-street, New-road, Commercial-road East, Middlesex, dealer in coals.—*John Sturt*, Upper Norton-street, Portland-road, Middlesex, out of business.—*G. Powell*, Grove-lane, Hackney, Middlesex, market gardener.—*John Whitfield*, Lamb's Conduit-street, Guildford-street, Russell-square, Middlesex, cheesemonger.—*G. H. Newton*, Green-st., Mile-end Old-town, Stepney, Middlesex, manager to a cigar manufacturer.

*Dec. 17 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Wilkins*, Spectacle-alley, Church-lane, Whitechapel, Middlesex, cheesemonger.—*Robert Mann*, Alfred-mews, Tottenham-court-road, Middlesex, farrier.—*J. Marsh*, widow, Arlington-street, Hampstead-road, Middlesex, out of business.—*Charles Sheppard* the elder, Trundle-lane, Lower-road, Deptford, Surrey, market gardener.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 16 at 10, before the CHIEF COMMISSIONER.*

*Thomas Turnor*, Trinity-street, Rotherhithe, Surrey, out of business.—*Jas. Dobbs*, Gee-street, Brick-lane, St. Luke's, Middlesex, out of business.

*Dec. 16 at 11, before Mr. Commissioner MURPHY.*

*Robert Nicol*, Idol-lane, Tower-street, London, ship-store dealer.—*Dan. Horton* the elder, Bingfield-street, Caledonian-road, Islington, Middlesex, out of business.

*Dec. 19 at 11, before Mr. Commissioner MURPHY.*

*Hugh C. Coleman*, Lincoln's-inn-fields, Middlesex, law student.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Robert M'Kittrick*, Liverpool, cart owner, No. 77,214; *James Winstanley*, assignee.—*H. Myers*, Blackburn, draper's assistant, No. 77,219; *Samuel Swan*, assignee.—*Richard Pilkington*, Bolton-le-Moors, retail dealer in ale, No. 77,221; *Henry Macoun*, assignee.—*John Wolstencroft*, Middleton, near Manchester, grocer, No. 77,115; *Edmund Howarth*, assignee.—*John Pomeroy Owens*, Liverpool, out of business,



No. 77,056; Richard Robbins and Thomas Hollick, assignees.—*Michael Robinson*, Manchester, out of business, No. 77,176; John Brown, assignee.—*Ellis Crompton*, Manchester, out of business, No. 77,252; George Simpson, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Dec. 16 at 12.*

*Sarah Proctor*, Salford, licensed victualler.—*John Owen*, Manchester, iron moulder.—*Peter Johnstone*, Blackburn, travelling draper.—*G. Rooth*, Pendleton, baker.—*J. Hurst*, West Houghton, near Bolton-le-Moors, labourer.—*T. J. Hampson*, Eccles, near Manchester, warehouseman.—*John Craigs*, New Church, near Haslingden, tailor.—*Ellen Ashton*, widow, Oldham, provision-shop keeper.—*Jane Wignall*, widow, Southport, out of business.—*Geo. Staley*, Withington, near Manchester, grocer.—*Henry Parry*, Rhylle, Flintshire, licensed victualler.—*Thomas Godwin*, Manchester, plumber.—*James Taylor*, Hulme, Manchester, retail dealer in ale.—*Thomas Schofield*, Wigan, joiner.

*At the County Court of Glamorganshire, at CARDIFF, Dec. 17.*

*William Jones*, Kettle, Pennard, shoemaker.—*Edward J. Wood*, Swansea, clerk in the Registry and Record Office of Seamen.

*At the County Court of Yorkshire, at YORK, Dec. 19.*

*J. Procter*, Wakefield, money scrivener.—*H. Weatherill*, York, out of business.—*Thomas Badman*, Bradford, fruiterer.—*George Shaw*, Lockwood, near Huddersfield, out of business.—*George Brearley*, Thurstone, near Penistone, cloth manufacturer.—*Daniel Genn*, Sheffield, out of business.—*J. Staniforth*, Ecclesall, grinder.—*Robert Brown*, Selby, out of business.—*Michael Kemp*, Huddersfield, clerk in the Post-office.—*Samuel Skelton*, Sheffield, auctioneer.—*Geo. Fearnley*, Birstal, near Leeds, draper.—*John Jackson*, Gargrave, near Skipton, shoemaker.—*George Oliver*, Leeds, grocer.—*George Thacker*, Stain Cross, near Barnsley, miller.—*Joseph Hirst*, Leeds, bookkeeper.—*John Jagger*, Almondbury, near Huddersfield, farmer.—*Martha Blackburn*, Crossland, near Huddersfield, grocer.—*Jas. Wood*, Almondbury, near Holmfirth, out of business.—*William Iredale*, Doncaster, out of business.—*James Broadhead*, Kirkburton, near Holmfirth, cloth manufacturer.

*At the County Court of Kent, at DOVER, Dec. 20 at 11.*

*Archibald Anthony Cocke*, Dover, in no trade.—*Thomas Scates*, Ramsgate, coal merchant.

## TUESDAY, DECEMBER 6.

### BANKRUPTS.

**ALBERT HARDWICK**, Windsor, Berkshire, linendraper, dealer and chapman, Dec. 16 at 11, and Jan. 17 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 15, Sise-lane, London.—Petition filed Nov. 26.

**EDWARD HENRY STREET**, Exeter, Devonshire, cabinet maker, dealer and chapman, Dec. 14 and Jan. 11 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Patrick, 47, Parliament-street, London.—Petition filed Nov. 28.

**JOHN BLOOMER and JONATHAN PHILIPPS**, Sheffield, Yorkshire, joiners' tool manufacturers, dealers and chapmen, Dec. 17 and Jan. 28 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Dixon & Blackwell, Sheffield.—Petition dated Nov. 19.

**WILLIAM M'CURTIN and JAMES SCOBLE RILEY**, Liverpool, commission merchants, dealers and chapmen, (lately carrying on business under the style or firm of M'Curtin & Riley), Dec. 16 and Jan. 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Yates, jun., Liverpool; Forshaw, Liverpool.—Petition filed Nov. 25.

**GUILLEAUME GERMAIN CHARLES**, Liverpool, importer of French and German goods, general dealer and chapman, (trading under the firm of W. G. Charles & Co.), Dec. 16 and Jan. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Dodge, Liverpool.—Petition filed Dec. 2.

### MEETINGS.

*Henry Kirk*, Portland-terrace, St. John's-wood, Middlesex,

hay dealer, Dec. 20 at 11, Court of Bankruptcy, London, last ex.—*Mary Ann Thomas and Wm. Thomas*, Upper King-st., Bloomsbury, and Green-street, Theobald's-road, Middlesex, builders, Dec. 20 at 12, Court of Bankruptcy, London, last ex.—*J. Thompson*, Allonby, Cumberland, common brewer, Dec. 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex. and aud. ac.; Dec. 16 at half-past 1, div.—*Benjamin N. Dodd*, Hetton-le-Hole, Durham, grocer, Dec. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Michael Wood and John Wilding*, Openshaw, Lancashire, boiler makers, Jan. 5 at 12, District Court of Bankruptcy, Manchester, last ex.—*Samuel King*, Newgate-street, London, warehouseman, Dec. 16 at 11, Court of Bankruptcy, London, aud. ac.—*David Nutt*, Stratford-green, Essex, merchant, Dec. 16 at 11, Court of Bankruptcy, London, aud. ac.—*Charles Scott Rendle*, Brook-terrace, Old Kent-road, and Brixton-hill, Surrey, shoe manufacturer, Dec. 16 at half-past 1, Court of Bankruptcy, London, aud. ac.—*William Morris*, Tunbridge, Kent, cabinet maker, Dec. 21 at 12, Court of Bankruptcy, London, aud. ac.—*John Clark*, Oxford, livery-stable keeper, Dec. 21 at 12, Court of Bankruptcy, London, aud. ac.; Dec. 27 at 11, div.—*John M'Lachlan*, Spital-sq., Norton Folgate, Middlesex, auctioneer, Dec. 16 at 11, Court of Bankruptcy, London, aud. ac.—*Edward Ablewhite*, Mortimer-street, Cavendish-square, Middlesex, coach builder, Dec. 29 at 11, Court of Bankruptcy, London, aud. ac.—*Henry M. Haviland*, Ivy House Farm, Denham, Buckinghamshire, cow-keeper, Dec. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Owen Sturgis and W. Adams*, College Villas, New Finchley-road, St. John's-wood, Middlesex, builders, Dec. 23 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. G. Edgkhill*, High-street, Southwark, Surrey, chinaman, Dec. 16 at 1, Court of Bankruptcy, London, aud. ac.—*Henry Baker*, New Oxford-street, Bloomsbury, Middlesex, ironmonger, Dec. 16 at 11, Court of Bankruptcy, London, aud. ac.—*R. Rimmer*, Southport and Seaforth, Lancashire, builder, Dec. 19 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Hugh M'Coll*, South Shields, Durham, bookseller, Dec. 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*George Rowell the younger*, Carlisle, Cumberland, painter and glazier, Dec. 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Wilson*, Gateshead, Durham, coach proprietor, Dec. 16 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Robson*, Durham, miller and flour dealer, Dec. 16 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*George Steele*, Durham, grocer, Dec. 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Michael Cusfield*, Basinghall-street, London, woollen warehouseman, Dec. 27 at 1, Court of Bankruptcy, London, div.—*Wm. O. Cameron and Wm. Bruce*, Mintern-street, New North-road, Hoxton, Middlesex, pickle merchants, Dec. 27 at 1, Court of Bankruptcy, London, div.—*W. Scammell*, Old Brentford, Middlesex, boot maker, Dec. 27 at 12, Court of Bankruptcy, London, div.—*John George Lacy*, Great St. Helen's, Bishopsgate-street, London, gun manufacturer, Dec. 31 at 12, Court of Bankruptcy, London, div.—*J. W. Creed*, Chadwell St. Mary, Tilbury Fort, Essex, innkeeper, Jan. 3 at 1, Court of Bankruptcy, London, div.—*John Hadfield*, Manchester, cotton spinner, Jan. 5 at 12, District Court of Bankruptcy, Manchester, div.—*Fletcher Pearson*, Liverpool, painter, Dec. 28 at 11, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Walter Scammell*, Old Brentford, Middlesex, boot maker, Dec. 28 at 1, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

*T. Pool*, Princes-road, Notting-hill, Middlesex, builder.—*Swan Wallis*, Leeds, Yorkshire, linendraper.—*J. C. Cullum*, Bromyard, Herefordshire, grocer.—*Wm. Drake and Peter Sacker*, Wakefield, Yorkshire, railway truck makers.

### PETITION ANNULLED.

*John Sayers*, High-street, Wandsworth, Surrey, carpenter.

### PARTNERSHIP DISSOLVED.

*Wm. Robinson and George Robinson*, Lancaster, attorneys and solicitors.



## SCOTCH SEQUESTRATIONS.

*James Henderson*, Glasgow, grain merchant.—*J. Gilchrist*, Coupar Angus, mill spinner.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John M. Tusnell*, Sawbridgeworth, Hertfordshire, station master, Dec. 9 at 10, County Court of Hertfordshire, at Bishop's Stortford.—*James Bond*, Chard, Somersetshire, saddler, Dec. 20 at 11, County Court of Somersetshire, at Chard.—*Wm. H. Eckersley*, Manchester, beer-house keeper, Dec. 26 at 12, County Court of Lancashire, at Manchester.—*Thomas H. Duffield*, Manchester, writing master, Dec. 26 at 12, County Court of Lancashire, at Manchester.—*J. White*, Manchester, architect, Dec. 26 at 12, County Court of Lancashire, at Manchester.—*Thomas Hennessy*, Great Shelford, Cambridgeshire, licensed victualler, Dec. 22 at 10, County Court of Cambridgeshire, at Cambridge.—*Wm. Loweryan*, Altrincham, Cheshire, commercial traveller, Dec. 14 at half-past 10, County Court of Cheshire, at Altrincham.—*Alas. Russell*, Ashford, Kent, saddler and harness maker, Dec. 12 at 10, County Court of Kent, at Ashford.—*S. Mason*, Wolverhampton, Staffordshire, in no business, Dec. 20 at 9, County Court of Staffordshire, at Wolverhampton.—*Joseph Dudley*, Dudley, Worcestershire, builder, Dec. 23 at 10, County Court of Worcestershire, at Dudley.—*Edmund Jefford*, Lyme Regis, Dorsetshire, tailor, Dec. 22 at 10, County Court of Devonshire, at Axminster.—*John Compton*, Ashorne, Warwickshire, farm bailiff, Dec. 24 at 11, County Court of Warwickshire, at Stratford-upon-Avon.—*Leyshon Williams*, Aberavon, near Neath, Glamorganshire, carpenter, Dec. 18 at 10, County Court of Glamorganshire, at Neath.—*Richard Hands*, Coventry, Warwickshire, tailor, Dec. 21 at 12, County Court of Warwickshire, at Coventry.—*Wm. Gray Rutter*, Alconbury, Huntingdonshire, shoemaker, Dec. 24 at 10, County Court of Huntingdonshire, at Huntingdon.

*Saturday, Dec. 3.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Philip Oliver*, Pall-mall, Middlesex, mining adventurer, No. 63,912 T.; *Thomas Jones*, assignee.—*John Collins*, Liverpool, vinegar manufacturer, No. 76,995 C.; *H. Brownentt*, assignee.

*Saturday, Dec. 3.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Winter*, Little Shire-lane, near Temple-bar, Middlesex, licensed retailer of beer: in the Debtors Prison for London and Middlesex.—*John Addison Selby*, North-st., Millbank, Westminster, Middlesex, law student: in the Queen's Prison.—*Benjamin Hubble* the younger, High-st., Deptford, Kent, builder: in the Queen's Prison.—*Jas. Elmer*, Barking, Essex, sailmaker: in the Debtors Prison for London and Middlesex.—*Henry Clarke*, Fish-st.-hill, London-bridge, London, attorney-at-law: in the Debtors Prison for London and Middlesex.—*Ellen Ashton*, widow, Hollinwood, near Oldham, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*James Taylor*, Hulme, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*George Rootb*, Pendleton, near Manchester, baker: in the Gaol of Lancaster.—*Thos. Godwin*, Manchester, farmer: in the Gaol of Lancaster.—*Geo. Staley*, Manchester, out of business: in the Gaol of Lancaster.—*Jacob Hurst*, West Houghton, near Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*H. Perry*, Rhyle, Flintshire, licensed victualler: in the Gaol of Lancaster.—*Thos. Moore*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Brock*, Liverpool, furrier: in the Gaol of Lancaster.—*Thomas John Hampson*, Chorlton-upon-Medlock, Manchester, warehouseman: in the Gaol of Lancaster.—*Jane Wignall*, widow, Southport, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Scates*, Ramsgate, Kent, coal merchant: in the Gaol of Dover.—*Maria Blackburn*, Crossland, near Huddersfield, Yorkshire, grocer: in the Gaol of York.—*D. S. Hadzor*, Manchester, out of business: in the Gaol of Lancaster.—*Mary Hughes*,

widow, Birmingham, stonemason: in the Gaol of Warwick.—*James Robinson*, Manchester, provision dealer: in the Gaol of Lancaster.—*Edward J. Wood*, Swansea, Glamorganshire, clerk in the Registry and Record Office: in the Gaol of Cardiff.—*Caleb Ambrose*, Sheerness, Munster, Isle of Sheppey, Kent, ironmonger: in the Gaol of Maidstone.—*Thomas N. Meggison*, Whickham, Durham, doctor of medicine: in the Gaol of Durham.—*Edwin Weigh*, Hulme, Manchester, music seller: in the Gaol of Lancaster.—*John Evans*, Shrewsbury, Shropshire, cabinet maker: in the Gaol of Shrewsbury.—*C. Oliver*, Shrewsbury, Shropshire, mail-cart driver: in the Gaol of Shrewsbury.—*John Ripley*, Leeds, Yorkshire, watch-glass manufacturer: in the Gaol of York.—*James Haughton*, Simmondley, Glossop, Derbyshire, nurseryman: in the Gaol of Derby.—*Joseph Burton*, Stamford, Lincolnshire, out of business: in the Gaol of Lincoln.—*Jas. Fielding*, Ashton-under-Lyne, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*Wm. H. Douce*, Holford-square, Pentonville, Middlesex, barrister-at-law: in the Gaol of Ipswich.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 20 at 10, before the CHIEF COMMISSIONER.*

*Richard Pridmore*, Trigon-tarace, Kennington, Surrey, renting the Linwood Gallery, Leicester-square.—*E. Lance*, High-street, Kensington, Middlesex, hat manufacturer.

*Dec. 20 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Shenton*, Bethnal-green-road, Bethnal-green, Middlesex, grocer.—*Algernon Sydney Sparke*, Little Queen-st. and Lincoln's-inn-fields, Westminster, commission agent.

*Dec. 20 at 11, before Mr. Commissioner MURPHY.*

*Mary Ann Sammons*, Hampstead-street, Fitzroy-square, Middlesex, lodging-house keeper.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Warwickshire, at WARWICK, Dec. 19 at 10.*

*Mary Hughes*, widow, Birmingham, stonemason.

*At the County Court of Shropshire, at SHREWSBURY, Dec. 20 at 10.*

*Charles Oliver*, Shrewsbury, mail-cart driver.—*John Evans*, Shrewsbury, cabinet maker.

*At the County Court of Gloucestershire, at BRISTOL, Dec. 12 at 11.*

*Adjourned Hearing.*

*George Webb*, Bristol, auctioneer.

*At the County Court of Hertfordshire, at HERTFORD, Dec. 22.*

*Henry Hunt Carter*, Hertford, sheriff's officer.

*At the County Court of Buckinghamshire, at AYLESBURY, Dec. 29 at 10.*

*Henry Cos*, Farnham Royal, wheelwright.

## INSOLVENT DEBTOR'S DIVIDEND.

*Henry Jemmett*, Little Milton, Oxfordshire, gentleman, Jan. 9, at John Hollier's, Esq., Thame, Oxfordshire: 1s. 8d. in the pound, (making with former dividends 10s. 7d.)

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# The Jurist

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LONDON, DECEMBER 17, 1853.

THE county court system is now sufficiently developed to enable the public and the legal profession to form a tolerably correct opinion of its merits and defects. It is generally acknowledged to possess the advantages of convenience, cheapness, and expedition; the procedure is simple; the distance for parties and their witnesses to travel to the court seldom exceeds a few miles. But that gross evils and abuses have crept into, or were originally connected with, these tribunals, is beyond dispute, and this is the proper time to call attention to them, when the learned men who compose the County Court Commission are actually engaged in their labours. We anticipate that much good will result from their investigations, but, at the same time, we feel that no measures will be effectual or satisfactory

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that do not tend to raise the character of the courts themselves. Many reforms in connexion with this subject are required, but not one so much as this; and we assert without hesitation that if these courts and those who preside over them be allowed to deteriorate in public estimation, as in too many recent instances they have, they will become so many sources of evil and mischief throughout the country.

Let us at once express the unfeigned respect which we feel towards several of the county court judges. We admit with pleasure that they are men not only of sound legal learning, but also of high principle; they are actuated by a sense of the deep responsibility attached to their office, by an unswerving resolution to dispense justice with an equal hand, and to exercise their functions strictly within the limits assigned by the law. Their decisions tend to produce uniformity and certainty in the jurisprudence now administered throughout the country, and increase that reverence for the laws which we have been apt to consider as a distinguishing feature in our national character. Far different is it with judges who, fitted neither by acquirements, nor habits, nor practice in the legal profession, have been suddenly thrust upon the judicial bench to decide questions of the greatest importance to the suitors who crowd their courts—judges who, disregarding the ancient landmarks which truly define their province, give one decision to-day, and a totally dif-

ferent one to-morrow, thus producing uncertainty and confusion in the rights and liabilities of many thousands—judges who, swayed by prejudice, or partiality, or class influences, or a desire for popularity, however unconscious of it themselves, pronounce judgment in defiance of evidence and rules of law, thus doing incalculable injury, besides irritating the sense of right which should be continually satisfied in the administration of public law, and making us smart beneath the severest wrong, that of oppression under the name of justice.

The property dealt with in these courts amounts to some millions in value every year, and the number of persons affected by their decisions comprehends the bulk of our population. Considering the vast interests which are thus at stake, and the nature of the duties which devolve upon the judges of these tribunals, we cannot help feeling that the appointments in many cases, from the very beginning, have been made most improperly, while there has also been an absence of due supervision since the appointments.

There are also several causes constantly in operation rendering county courts liable to serious abuses.

First, the judges are almost irresponsible. The proceedings before them are seldom reported in the public press, or, if reported, would be seldom read; and thus they may do any amount of injustice without arousing public opinion against them. The modern policy in these matters has been also to remove the check imposed by the attendance of the Bar, who would know something of the law enunciated from the Bench, and who would be sure to inform the public or the Lord Chancellor of any gross acts of misconduct.

Secondly, the localisation of the county court judge is a very serious evil. At present he frequently resides in the county for which he acts, and of course, therefore, if in the country, knows something of everybody around him. He mixes with a certain class there, but not with those above or below it; he regularly visits and dines with some of its members; they may be plaintiffs or defendants in his court the next day after he has met them in the most friendly and intimate manner. Does he act impartially? He may sometimes do so—he may always *intend* to do so; but the man who would be wholly above such influences, and who would still hold the scales of justice with a steady hand, forms the exception, and not the rule, in human nature; and even if he does forget everything but his duty, still the public cannot know this, and they suspect the decision which is given by a judge for his friend, however pure the motive from which it may have proceeded. Let justice, if you will, be brought to every man's door, but let it enter as few doors as possible.

The only remedy for this evil, which can scarcely be overrated, will be to prohibit any county court judge from residing in the county for which he acts; and we think it would be also advisable to render him in a manner itinerant, so that he may be constantly changing his district. We see no difficulty in adopting this course: the extra expense will be cheerfully borne by the public, and amply repaid to them.

The necessity for counteracting these *degrading* influences becomes daily more palpable; it is forced upon

us by constant complaints which reach us, by some practical experience which we ourselves have had, and that of recent date, and by the disclosures, which do ooze out at times in our superior courts, relative to the doings of the inferior tribunals.

Let us have justice, but not the semblance of it, under the specious pretences of its being cheap, speedy, and convenient. The judges of Westminster Hall are above suspicion; why should we have a class of judges scattered throughout the country, some of whom are lower in public estimation than the "dusty-footed" suitors who come before them? Let us, amid our reforms, above all things keep the judgment-seat pure. The evil created and nourished by frequent injustice will swell into a national calamity; and it behoves every friend of law and order to avert it while he has the power.

#### LONDON COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following solicitors, whose places of business are within ten miles from Lincoln's-inn Hall, to be London Commissioners to administer Oaths in Chancery, so long as they shall continue to practise as solicitors within such ten miles:—

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Edward S. Bailey, 5, Berners-street, Oxford-street;  
Keith Barnes, 7, Spring-gardens, Westminster;  
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William S. Cookson, 6, New-square, Lincoln's-inn;  
John Coverdale, 4, Bedford-row;  
William Loxham Farrer, 66, Lincoln's-inn-fields;  
John Swarbrick Gregory, 1, Bedford-row;  
Richard Harrison, 2, Gray's-inn-square;  
Bryan Holme, 10, New-inn;  
Henry Lake, 10, New-square, Lincoln's-inn;  
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Edward Lawford, Drapers' Hall, Throgmorton-street;  
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William Sharpe, 41, Bedford-row;  
William Tooke, 39, Bedford-row;  
William Williams, 32, Lincoln's-inn-fields;  
John Young, 6, Sise-lane, Bucklersbury;

(Members of the Council).

Robert Maugham, Law Society's Hall, Chancery-lane,  
(Secretary).

Dated the 6th December, 1853.

ROBERT MAUGHAM, Registrar of Solicitors.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—John Dabbs, of Stamford, in the Parts of Kesteven, Lincolnshire, in and for the Parts of Kesteven, in the county of Lincoln, also in and for the counties of Northampton and Rutland; Frederick Cooper Farwell, of Wolverhampton, Staffordshire, in and for the county of Stafford.

## THE STATUTE-LAW COMMISSION.

We continue our extracts from Mr. Coode's papers:—

"(41). The next column, headed 'Duration,' is of great importance as general information, but especially regards the consolidation of the law.

"It is only the permanent matter that greatly requires consolidation, or is worthy of so laborious and costly an operation; what is expired is excluded from all consideration except historical curiosity; what is executed of itself loses, in the spending of its force, all further interest; what has still a temporary duration has but a value and interest proportional to the time; the permanent and perpetual by the terms are infinite.

"At all events, the perpetual matter, however involved in the present framing of acts of Parliament, with the transitory, is the important subject of consideration in the process of consolidation.

"The large number of entries in this column indicating matter already expired, and of an occasional and transitory character, shews how much less than the whole of the legislation, even of the current session, is a subject for consolidation.

"In the process of compiling this register, every act or provision ascertained to have expired is so noted in the margin of the compiler's copy of the statutes, and the act or provision itself struck through with a pen. His copy thus becomes, as the operation proceeds, cleared of effete matter, and so far an expurgated edition.

"(42). The next two columns, headed respectively 'Amends' and 'Is amended by,' are the most important in the whole register, for they are to shew the subsisting relation and connexion of all the law at the time in force; what amends is not only important in itself, but is equally important as to what is amended by it, and indeed, with original matter unamended, constitutes the whole subsisting body of the law.

"And this consideration of amendment it is that constitutes almost all the difficulty of investigation, no conclusion about any statutory matter being safe until we are assured that that matter has not been amended; and when we know the series of amendments on a given law, we are in full possession of all the materials for judging of its effect.

"It is observed that these two columns correspond reciprocally. Every amendment in one act is an amendment operating upon another. Ascertaining, on the retrograde process before described, the amendment first, it is to be inserted in the column headed 'Amends;' but it is also, as a continuous part of the operation, to be noted in two other ways—first, upon the text or margin of the act or acts amended; and next, within the column headed 'Is amended by,' in the skeleton register prepared for the statute so amended.

"For example, the 16 Vict. c. 20, ss. 3—6, amends the 1st section of the 15 & 16 Vict. c. 27, and this fact is noted in the register of the session 16 Vict. under the head 'Amends,' and is likewise entered in the register of the session 15 & 16 Vict. under the head 'Is amended by,' and is noted in the compiler's copy of the act 15 & 16 Vict. c. 27.

"Thus each amendment, as discovered, is displayed at once in reciprocal entries in these respective columns and in the compiler's copy of the statutes, which thus becomes, as the operation proceeds, a collated edition of the statutes, as amended by the most recent legislation.

"It is to be noted, that the word 'amends' in the heading of the register is used in a general sense, and includes all modifications operated upon matter still left, in whole or in part, in force—extensions, limitations, declaratory clauses, and the like; but the detailed entries in these columns, under the headings, always express the special modifications effected or

suffered; and the notes made in the copy of the statutes are as much more minute and special as the case may require.

"(43). The next two columns, headed respectively 'Repeals' and 'Is repealed by,' are the columns of the next importance in the register. They shew all that subsequent legislation has abrogated of the antecedent legislation, and, with the preceding columns, will, if the register be ever completed, shew the entire amount of all the legislation that has been in force, and the amount by and to which it has been reduced by abrogation.

"Like the two preceding columns, the entries are reciprocal, the repeal being entered, when discovered in the latest statute, in the first of these columns, and entered again in the other column, in the proper place of the earlier statute or part of statute repealed; and at the same time a note is made in the compiler's copy of such earlier statute of the extent of the repeal operated on it; and when words, clauses, or statutes or acts are repealed, without exception or qualification, they are struck through by the pen; and thus the copy becomes an edition of the statutes with the repealed matter or matter superseded struck out or appropriately annotated, according to the nature of the case.

"(44). The annexed specimen refers only to so many of the acts of the present session as had been published at the beginning of June, when the work was stopped, and to the whole of the acts of the last session; but, as before observed, the entries of all amendments and repeals are notified reciprocally in the registers appropriated to the amended or repealed acts; and therefore every entry in this specimen of any amendment or repeal of any provision earlier than the 15 & 16 Vict. implies that a corresponding entry is made in some earlier part of this register not exhibited here.

"The entries thus made and not displayed in this specimen exceed 2000.

"In order to prepare the skeleton forms for this register, and with a view to the omission from them of the statutes excepted from consolidation, I have examined and prepared the nineteen volumes of statutes passed from the year 1800 to the year 1852.

"In this operation, and in those before referred to, deleting the expired and repealed matter, I have struck out of these nineteen volumes about 7000 pages and above 20,000 clauses, diminishing by this amount the future labour, if it is to be continued.

"(45). The origin of this register was the recognition of the necessity of ascertaining all the facts noted in the register in the course of carrying out the object of this commission, and the recognition of the other fact, that such work, when performed by one person, might be placed at the disposal of all others, and thus spare to all but one a great amount of tedious labour.

"But it is not to this commission alone that this register may be useful; it would be useful to every person who may have occasion to consult the statute-book; it would enable every person to expurgate his own copy of the statutes of all effete matter, and to note the connexion of what remains in force. I therefore suggest that it should be completed and published, and that the annual continuation of it should also be published at the end of every session, within a week or fortnight after the publication of the last act of the session.

"(46). I would also submit that the compiler's copy of the Statutes at Large, reduced in the course of this process by the expurgation of all expired provisions, and of all matters expressly repealed and superseded, and annotated with marginal references to all expressed amendments, should also be published by the authority of her Majesty's Government, not only because the matter contained in it would comprise the material for future amendment and consolidation, but because of

the great utility to the public of an edition of the statutes thus expurgated and collated.

"(47). After a careful approximate estimate of the matter which would thus be prepared for publication, I obtained an estimate from the Queen's printers of the cost of a thousand copies of the expurgated and collated edition of the statutes, and am informed and feel assured that it would not exceed the sum of 720*l*.

"I have also endeavoured to estimate the time that the completion of this work would take, and allowing for the more rapid progress as the work proceeded, disencumbered as it would be at every step of all the matter disposed of in that step, it appears to me that, with the aid of three clerks, the entire work might be done in the course of two years.

"August, 1853.

"GEORGE COODE."

## "II. ON THE DIGESTION OF THE MATERIALS FOR LEGISLATION AND CONSOLIDATION.

"On their analysis.

"On their recomposition.

"On their expression.

"With two appendixes:

the first, being suggestions as to the preparation of compilations of the existing law, to precede or accompany bills in Parliament;

the second, exemplifying the operation of digesting, being a digest of the acts for the relief of the poor.

"(48). The practical tendencies of English legislation, the invincible habit of providing law only for the occasion, and only so much of it as the present occasion immediately requires, is often urged as a matter of imputation upon us. Perhaps the juster view is, that it has been the means of forming, step by step, and with the constant test of practical experience, the most various, flexible, adaptable, and beneficial system of laws that has ever been developed in the world.

"Nor is our law in any respect wanting in so much even of real inherent systematic connexion of its subject-matter as is compatible with the realisation of minute and various and all-comprehensive utilities.

"It is true that it is almost singularly deficient in speculative provisions for abstract possibilities, and in logical extensions of its provisions to their logical consequences and extremities, and it follows that it wants the logical completeness which alone satisfies an educated, reflecting, and speculative reader, and the theoretic or professorial jurist.

"Its apparent systematic defects are still apparent only—superficial, not substantial; but it must be admitted that this appearance is in a very high degree disadvantageous to it. It is exaggerated, too, by almost every practice that negligence and, we may also say, perversity can provide for the production, multiplication, and perpetuation of detailed confusion and disorder.

"Still, blind and perverse as the practice may be, its formal defects have never interfered with the essential progress of our law to material completeness, substantial coherence, and practical consistency.

"(49). Whoever will collect the dispersed fragments of English law upon any subject, will find it, by comparison with any other system of law, and above all by comparison with the interests and circumstances to which it has been in succession and is now adjusted, complete to superabundance. He will find no division, no head, to which the most systematic analysis or the most methodical synthesis would conduct him, unfurnished with appropriate matter. His chief difficulty—often his only difficulty—will be, that the matter has been allowed to accumulate to excess by needless repetitions of nearly identical provisions, by nearly undistinguishable substitutions and alternatives, and above all by the enormous multiplication of provisions which

have no longer a present utility or a possible application or illustration. His embarrassment will be with the superfluities, not with the deficiencies or inconsistencies of his subject-matter; and it will be aggravated by multitudes of positive incongruities in form and expression.

"(50). In such circumstances, for the realisation of all the uses of so immense an opulence, two things are chiefly necessary: the first, to put all the matter into order; the second, after a just comparison of their respective utilities, to remove what is superfluous. The first of these processes may be designated as 'Digestion,' the subject of this paper; the second as 'Consolidation,' the subject of the next following paper.

"No doubt, when the whole is cleared of its superfluities, the necessity, or at least the reasonableness and advantage, of many improvements in what remains will become evident; and the task of improvement, practical or systematic, will be made easy by the diminution of the quantity of the material in which it is to take effect. This subject of incidental and occasional 'amendment' is likewise the subject of the next paper, but more particularly of the fourth or last of the present papers.

"(51). The first thing to be done is to put the whole of the matter as it exists into such an order, that all similar objects may be brought into juxtaposition, for comparison, and selection or rejection; and it is not enough that every object of the same species be merely brought together—as, for instance, under their names in an alphabetical catalogue. It is indispensable for the success of the operation that every matter be judged of, not only by its relation to matters of an identical or of a similar kind, but by its due relation also to matters the most remote in their resemblance and connexion, if they be connected at all; for, after specific practical utility, rational self-consistency is of higher value in law than most other things.

"(52). The completeness, the over-completeness of details, and the necessity of comparing, not only the objects themselves and their analogues, but also their most remote connexions, all necessitate the same result—that the order in which the objects shall be arranged shall be both minute and comprehensive; shall, in short, be exhaustive as to the matter, and systematic as to its arrangement—that it shall be natural, displaying things in immediate connexion with those with which they have predominating and most numerous relations, and in their due connexion, close or distant, with all.

"(53). The law admits of this systematic and natural arrangement in a higher degree than almost any other subject; and the arrangement applicable to the whole body is invariably applicable, with the same happy effect, to every fragment, however minute, into which it can, by design or accident, be subdivided.

"It does not follow that the arrangement of any branch or portion of the law, to be perfect, requires as its condition the arrangement of the whole, or even of any of the more considerable parts. The arrangement of any connected part may, on very simple principles, be made perfect within itself; but the nature of the law is such, that no principle of arrangement but one is satisfactory, either as to the entire body, or as to any of its several portions.

"(54). The present purpose is to define the limits within which the whole of the matter is included, and the principles upon which the whole of its parts, whether presented in connexion or in fragments, must be displayed.

"The discussion will in some part be necessarily abstract, in a degree not required in any other part of these papers; but this discussion is absolutely requisite for the attainment of final agreement in the practical execution by many hands of the digestion or con-



solidation of many fragmentary portions of the law." (Pp. 41, 42).

We are compelled to omit the classification of legal subjects, and the illustrations which follow. They require for their proper appreciation, and deserve, attentive study.

(To be continued).

#### ADMISSION OF ATTORNIES.—APPEAL FROM THE EXAMINERS.

By the Rules and Orders of the superior courts of law and equity, in case any candidate shall be dissatisfied with the refusal of the examiners to grant their certificate, he shall be at liberty, within one month, to apply for admission by petition in writing to the judges, which application shall be heard in Serjeants'-inn Hall by not less than three of the judges. A petition of appeal was presented by one of the twenty-three candidates who were rejected in Trinity Term last. The application was first heard on the 2nd instant, before Mr. Justice Coleridge, Mr. Justice Maule, and Mr. Justice Williams, and adjourned to the 7th instant, when Mr. Justice Coleridge, Mr. Justice Cresswell, and Mr. Justice Williams heard the appeal; and, having considered the questions and answers, (copies of which had been laid before them), their Lordships dismissed the appeal.

It is upwards of seventeen years since the examination of candidates for admission on the rolls of attorneys and solicitors was instituted. Nearly 400, on the average, are examined yearly, making in all about 5000 candidates who have been examined. This was the third appeal only. The whole number of attorneys in England and Wales is about 10,000. The number during the last ten years has but slightly increased; during the last two years it has somewhat decreased.

#### London Gazette.

FRIDAY, DECEMBER 9.

##### BANKRUPTS.

- JAMES SADLER, Vere-street, Clare-market, Middlesex, tallowchandler and melter, Dec. 19 at 2, and Jan. 19 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Kinsey, 20, Bloomsbury-square.—Petition filed Dec. 6.
- THOMAS SHENTON, Bethnal-green-road, Middlesex, grocer, Dec. 19 and Jan. 19 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Hill & Matthews, St. Mary Axe.—Petition filed Dec. 1.
- JOHN DELANEY, Mark-lane, London, wine merchant, Dec. 20 at 2, and Jan. 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Pagden & Hodgkinson, Mark-lane.—Petition filed Dec. 8.
- FRANCIS SALTER, York-place and Tredegar-sq., Mile-end, Middlesex, doctor of medicine and apothecary, Dec. 20 at half-past 2, and Jan. 24 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Blake & Snow, 22, College-hill, City.—Petition filed Dec. 7.
- SAMUEL BARTHOLOMEW, Birmingham, licensed victualler, plumber and glazier, dealer and chapman, Dec. 19 and Jan. 14 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Standbridge, Birmingham.—Petition dated Nov. 30.
- CHARLES SAMUEL TWIGG, Cardiff, Glamorganshire, brickmaker, victualler, dealer and chapman, Dec. 22 and Jan. 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Gorling, Bristol.—Petition filed Dec. 7.
- JOHN LOWTHER WARD, Fullege, Burnley Wood, Burnley, Lancashire, cotton spinner, dealer and chapman, Dec. 19 and Jan. 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Cooper & Son, Manchester.—Petition filed Nov. 21.

PHILIP OLIVER, Edward-square, Brompton, Middlesex, and Llambadarnfwr, Cardiganshire, dealer in mining shares and machinery, dealer and chapman, Dec. 20 at half-past 1, and Jan. 20 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Heath, 11, Artillery-place West, Finsbury.—Petition filed Nov. 28.

GEORGE ALCOCK, late of Macclesfield, Cheshire, but now of Manchester, draper, dealer and chapman, Dec. 20 and Jan. 18 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Taylor, Manchester; Sole & Co., 68, Aldermanbury, London.—Petition filed Dec. 6.

##### MEETINGS.

Charles C. Hamilton, Little Queen-street, Lincoln's-inn-fields, Middlesex, ironmonger, Dec. 21 at 2, Court of Bankruptcy, London, last ex.—James H. Gibbons, Wood-street, Cheapside, London, straw hat warehouseman, Dec. 21 at 12, Court of Bankruptcy, London, last ex.—Richard Spenceley and James M. Spenceley, Wapping, Middlesex, and Clyde Dock, Rotherhithe, Surrey, sailmakers, Dec. 22 at 2, Court of Bankruptcy, London, aud. ac.—Joseph Matthews, Little Waltham and Great Waltham, Essex, grocer, Dec. 22 at half-past 11, Court of Bankruptcy, London, aud. ac.—Walter Seammell, Old Brentford, Middlesex, shoemaker, Dec. 21 at 1, Court of Bankruptcy, London, aud. ac.—F. C. Dodsworth, Turnham-green, Middlesex, surgeon, Dec. 21 at 1, Court of Bankruptcy, London, aud. ac.—Charles Wrightson, High-street, Marylebone, Middlesex, grocer, Dec. 21 at 11, Court of Bankruptcy, London, aud. ac.—John C. Fawcett, York, draper, Dec. 21 at 11, Court of Bankruptcy, London, aud. ac.—George Gillard, New-street, Covent-garden, Middlesex, boot salesman, Dec. 21 at 11, Court of Bankruptcy, London, aud. ac.—Wm. Haming, Cheltenham, Gloucestershire, grocer, Dec. 23 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Thos. M'Cree and Andrew M'Cree, Newcastle-upon-Tyne, grocers, Dec. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Ann Stuart Burns, Liverpool, hoiser, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—J. Dickson, Wollerton, Hodnet, Shropshire, wool-stapler, Dec. 19 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—J. Johnson, Wakefield, Yorkshire, cabinet maker, Jan. 10 at 12, District Court of Bankruptcy, Leeds, aud. ac. and div.—W. Jolly, Bishop Stortford, Hertfordshire, currier, Jan. 5 at 11, Court of Bankruptcy, London, div.—Wm. James Cockerill, Poultry, London, music seller, Jan. 3 at 12, Court of Bankruptcy, London, fin. div.—T. Eldridge, Upper North-place, Gray's-inn-road, Middlesex, coach builder, Jan. 3 at 12, Court of Bankruptcy, London, div.—Michael Thomas Stacey Welsh, Romford, Essex, linendraper, Dec. 20 at 11, Court of Bankruptcy, London, div.—Richard Pinn, Stratford-upon-Avon, Warwickshire, corn dealer, Dec. 19 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 7 at 10, div.—Stephen Hartley and William Hartley, Tadcaster, Yorkshire, common brewers, Jan. 9 at half-past 11, District Court of Bankruptcy, Leeds, fin. div.

##### CERTIFICATES.

To be granted, unless an Appeal be duly entered.

Edward Hunt, King William-street, and Nicholas-lane, Lombard-street, London; Waltham Cross, Hertfordshire; and Cheshunt-terrace and Grange-road, Bermondsey, Surrey, auctioneer.—Michael Cusfield, Basinghall-street, London, woollen warehouseman.—Robert Nelson, Mary Nelson, and Robert Nelson the younger, Darlington, Durham, provision merchants.—Joseph Lee, Dewsbury, Yorkshire, grocer.

##### PETITION ANNULLED.

John James, Oxford-street, and John-street, Oxford-street, Middlesex, trunk maker.

##### SCOTCH SEQUESTRATIONS.

James Cowan, Glasgow, cabinet maker.—James Bailie Pender, Lochmill, Linlithgow, paper maker.

##### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Thomas House, Moreton, Marsh, Gloucestershire, out of business, Dec. 28 at 11, County Court of Worcestershire, at Shipston.—Jos. Hopkinson Holgate, Cross Hills, Kildwick, Yorkshire, grocer, Dec. 23 at 10, County Court of Yorkshire, at Skipton.—Wm. Stanford, Nately Scures, near Ba-



singstoke, Southampton, farmer, Dec. 24 at 10, County Court of Hampshire, at Basingstoke.—*Abraham Hartley*, Halifax, Yorkshire, general provision dealer, Dec. 23 at 10, County Court of Yorkshire, at Halifax.—*John Russell*, Sidmouth, Devonshire, baker, Dec. 21 at 10, County Court of Devonshire, at Honiton.—*John Rusby*, Huddersfield, Yorkshire, bookseller, Dec. 22 at 10, County Court of Yorkshire, at Huddersfield.—*Samuel Dean*, Burnley, Lancashire, tap-room keeper, Dec. 29 at 11, County Court of Lancashire, at Burnley.—*James Bubb*, Canterbury, Kent, gentleman, Dec. 14 at 11, County Court of Kent, at Canterbury.—*John Pritchard*, Cheltenham, Gloucestershire, brewer, Dec. 20 at 10, County Court of Gloucestershire, at Cheltenham.—*George Ellis*, Cheltenham, Gloucestershire, painter, Dec. 20 at 10, County Court of Gloucestershire, at Cheltenham.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, Dec. 27.*  
*George Terry*, Brighton, builder.

## TUESDAY, DECEMBER 13.

### BANKRUPTS.

**JAMES RICHARDSON, JOHN SANDERS WICKS,** and **HENRY SMITH**, Upper Queen's-buildings, Brompton, Middlesex, upholsterers, Dec. 21 and Jan. 24 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Pain, 5, Gresham-street, City.—Petition filed Dec. 9.

**JACOB CONNOP**, New Finchley-road, St. John's Wood, Middlesex, bill broker, commission agent, dealer and chapman, Dec. 23 at 12, and Jan. 26 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Hare, South-square, Gray's-inn.—Petition filed Dec. 9.

**CHRISTIAN DRUKE**, Garlick-hill, London, drysalter, Dec. 21 at half-past 1, and Feb. 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Spiller, 3, South-place, Finsbury.—Petition dated Dec. 10.

**SAMUEL BARNETT**, Houndsditch, London, Birmingham and Sheffield warehouseman, dealer and chapman, Dec. 27 and Jan. 24 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 9, Quality-court, Chancery-lane, London.—Petition filed Dec. 3.

**WILLIAM HOLME**, Manchester, cotton manufacturer, Dec. 23 and Jan. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. J. & B. Whitworth, Manchester.—Petition filed Dec. 12.

### MEETINGS.

*Abraham Cohen*, Houndsditch, London, wholesale clothier, Dec. 27 at 11, Court of Bankruptcy, London, last ex.—*R. S. Boulter*, Mount-row, Westminster-road, Lambeth, Surrey, tailor, Dec. 23 at 11, Court of Bankruptcy, London, and ac.—*John B. Blythe*, Minerva-place, New-cross, Surrey, builder, Dec. 23 at 11, Court of Bankruptcy, London, and ac.—*Henry Braam*, Old Fish-street-hill, London, importer of foreign glass fancy goods, Dec. 23 at 11, Court of Bankruptcy, London, and ac.—*Edward Roe Bensley*, Cornwall Cottage, Hornsey-road, Holloway, Middlesex, builder, Jan. 3 at 12, Court of Bankruptcy, London, and ac.—*Charles Vandergucht*, Quadrant, Regent-street, Middlesex, silk mercer, Jan. 9 at 11, Court of Bankruptcy, London, fin. div.—*John H. Bell*, Manchester, hosier, Jan. 9 at 12, District Court of Bankruptcy, Manchester, and ac.—*John Williams*, Lower Wookey Mills, near Wells, Somersetshire, paper maker, Jan. 13 at 11, District Court of Bankruptcy, Bristol, and ac.; Jan. 20 at 11, div.—*Wm. Ridge*, Exeter, tailor, Jan. 5 at 1, District Court of Bankruptcy, Exeter, and ac.; Jan. 11 at 1, div.—*John Robins* and *Charles Williams*, London-wall, London, carriers, Jan. 9 at 12, Court of Bankruptcy, London, div.—*Valentine Elkins*, Southampton-place, Easton-square, Middlesex, and High-street, Marylebone, Middlesex, coachmaker, Jan. 9 at 11, Court of Bankruptcy, London, fin. div.—*Joseph Dickson*, Horsemonger-lane, Surrey, licensed victualler, and Bassiahaw-chambers, Basinghall-street, London, auctioneer, Jan. 9 at 1, Court of Bankruptcy, London, div.—*Edward Progers*, Sudlow, Shropshire, banker, Jan. 7 at 10, District Court of Bankruptcy, Birmingham, div.—*John Earp*, Uttoxeter, Staffordshire, brewer, Jan. 14 at 10, District Court of Bankruptcy, Birmingham, div.—*Richard*

*Lalbury*, Burton-upon-Trent, Staffordshire, grocer, Jan. 9 at 10, District Court of Bankruptcy, Birmingham, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Clark*, Oxford, livery-stable keeper, Jan. 4 at 1, Court of Bankruptcy, London.—*E. R. Bensley*, Cornwall Cottage, Hornsey-road, Holloway, Middlesex, builder, Jan. 3 at 12, Court of Bankruptcy, London.—*Wm. Ridge*, Exeter, tailor, Jan. 11 at 1, District Court of Bankruptcy, Exeter.—*Henry Bolt*, Birmingham, silversmith, Jan. 9 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Bradford*, Leigh, Worcestershire, butcher, Jan. 9 at 10, District Court of Bankruptcy, Birmingham.

### PARTNERSHIP DISSOLVED.

*Charles Mullins* and *Charles William Corke*, Chew Magna, Somersetshire, attorneys-at-law and solicitors.

### SCOTCH SEQUESTRATIONS.

*Wm. Ogilvie & Co.*, Dundee, merchants.—*David Walkingshaw*, Musselburgh, ironmonger.—*Wm. Thomson*, deceased, Kirkintilloch.—*Thomas Boyd*, Paisley, manufacturer.—*Hugh C. Paterson*, Glasgow, confectioner.—*T. Pringle*, deceased, Sprouston, Roxburghshire.—*J. Collier*, deceased, Anderson, Glasgow, ironfounder.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Barbara Fisher*, Liverpool, milliner, Dec. 19 at 10, County Court of Lancashire, at Liverpool.—*John Jones*, Liverpool, baker, Dec. 19 at 10, County Court of Lancashire, at Liverpool.—*John H. Joyce*, Liverpool, accountant, Dec. 19 at 10, County Court of Lancashire, at Liverpool.—*Thomas Trevor*, Birmingham, general dealer, Jan. 14 at 10, County Court of Warwickshire, at Birmingham.—*Edward Latham*, Gravelly-hill, near Birmingham, auctioneer, Dec. 24 at 10, County Court of Warwickshire, at Birmingham.—*Henry Bartland*, Birmingham, car proprietor, Jan. 14 at 10, County Court of Warwickshire, at Birmingham.—*Jacob Levingthall*, Birmingham, general dealer, Jan. 14 at 10, County Court of Warwickshire, at Birmingham.—*John Miles*, Birmingham, carpenter, Jan. 14 at 10, County Court of Warwickshire, at Birmingham.—*Samuel Shipp*, Bristol, cooper, Jan. 18 at 11, County Court of Gloucestershire, at Bristol.—*Robert Williams*, Bristol, stage coach proprietor, Jan. 18 at 11, County Court of Gloucestershire, at Bristol.—*James Leach*, Rochdale, Lancashire, carter, Dec. 29 at 12, County Court of Lancashire, at Rochdale.—*Francis M. Lockhart*, Oving, Buckinghamshire, out of business, Dec. 29 at 10, County Court of Buckinghamshire, at Aylesbury.—*John A. Tyler*, Brading, Isle of Wight, Hampshire, out of business, Dec. 30 at 10, County Court of Hampshire, at Newport.—*James White*, Brading, Isle of Wight, Hampshire, grocer, Dec. 30 at 10, County Court of Hampshire, at Newport.—*George H. Bower*, Gloucester, retailer of beer, Dec. 30 at 10, County Court of Gloucestershire, at Gloucester.—*James Lambert*, Brighton, Sussex, painter, Dec. 17 at 10, County Court of Sussex, at Brighton.—*Wm. Newland*, Brighton, carpenter, Dec. 17 at 10, County Court of Sussex, at Brighton.—*Christopher Robinson*, Hat-lane, near Burslem, Staffordshire, licensed retailer of ale, Dec. 21 at 10, County Court of Staffordshire, at Hanley.—*Thomas Compton*, Solihull, Warwickshire, labourer, Dec. 17 at 11, County Court of Warwickshire, at Solihull.—*Samuel Pagel*, Great Yarmouth, Norfolk, out of business, Jan. 19 at 10, County Court of Norfolk, at Great Yarmouth.

### Saturday, Dec. 10.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Robert Flint Steel*, Grove-place, Lisson-grove, St. John's-wood, Middlesex, shoemaker, No. 63,939 T.; *Fred. Sanders*, assignee.—*M. Lewis*, widow, Melynycwm, Llangadock, Carmarthenshire, No. 76,501 C.; *Thomas Williams*, assignee.—*Peter Bates*, Salford, Lancashire, out of business, No. 77,081 C.; *Lewis Morgan*, assignee.

Saturday, Dec. 10.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—  
(On their own Petitions).

**Mark Pratton Lee**, Albemarle-street, Clerkenwell, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—**Edmund Hardecastle**, Stepney-square, Stepney, Middlesex, dyer: in the Debtors Prison for London and Middlesex.—**James Clark**, Bromells-road, Clapham, Surrey, shopman to a grocer: in the Debtors Prison for London and Middlesex.—**James Hewitt Whyman**, Mansfield-street, Kingsland-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Alex. Pratt**, Clayton-street, Kennington, Surrey, plumber: in the Gaol of Surrey.—**Henry Southam**, Berwick-street, Pimlico, Middlesex, clerk to saw mills: in the Debtors Prison for London and Middlesex.—**Henry Lack**, Queen-street, Pitfield-street, Hoxton, Middlesex, pig jobber: in the Debtors Prison for London and Middlesex.—**Matthew Nottingham**, Bow, Middlesex, commercial agent: in the Debtors Prison for London and Middlesex.—**William Canby**, Devonshire-mews, South Portland-place, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**John Wm. Foster**, Rotherhithe New-road, Surrey, builder: in the Queen's Prison.—**John Cranbrook Gregory**, Upper Stamford-street, Waterloo-road, Surrey, out of business: in the Gaol of Surrey.—**Thomas Carter**, Stoke-upon-Trent, near Hanley, Staffordshire, coal merchant: in the Queen's Prison.—**Winchcombe H. S. Hartley**, Devonshire-street, Portland-place, Middlesex, not in any occupation: in the Queen's Prison.—**Emmanuel Winsor**, Pycroft, Chertsey, Surrey, fellmonger: in the Gaol of Surrey.—**Robt. Boning**, Great George-street, Westminster, Middlesex, office keeper: in the Gaol of Ipswich.—**Richard Rathborne**, Rugby, Warwickshire, railway post-office clerk: in the Gaol of Coventry.—**Joseph Hetherington**, Gateshead, Durham, inspector of coal measures: in the Gaol of Newcastle-upon-Tyne.—**George Terry**, Brighton, Sussex, builder: in the Gaol of Lewes.—**Sarah Baker**, Cinder Hill, Sedgley, Staffordshire, out of business: in the Gaol of Stafford.—**Wm. Horobin**, Manchester, baker: in the Gaol of Manchester.—**Adam Stephenson**, Pendleton, near Clitheroe, Lancashire, farm labourer: in the Gaol of Lancaster.—**John Hensay**, Leigh, near Bolton-le-Moors, Lancashire, tea dealer: in the Gaol of Lancaster.—**George Denkin**, Bladenavon, Llanover Upper, Monmouthshire, chemist: in the Gaol of Monmouth.—**Thomas Taylor**, York, tinner: in the Gaol of York.—**Charles Raynes**, Sheffield, Yorkshire, bone-heft cutter: in the Gaol of York.—**John Warburton**, Salford, Lancashire, cotton doubler: in the Gaol of Lancaster.—**William White**, Swansea, Glamorganshire, seedsman: in the Gaol of Cardiff.—**Joshua Wigley**, Bridgenorth, Shropshire, schoolmaster: in the Gaol of Shrewsbury.—**Edward Atkinson**, Hulme, Manchester, brushmaker: in the Gaol of Lancaster.—**Robert Gibson**, Hulme, Manchester, chemist: in the Gaol of Lancaster.—**Wm. Metcalfe**, Salford, Lancashire, out of business: in the Gaol of Lancaster.—**James Batten**, Greenwich, Kent, milliner: in the Gaol of Maidstone.—**George Vosper**, Plymouth, Devonshire, builder: in the Gaol of St. Thomas-the-Apostle.—**George Brutton Eales**, Plymouth, Devonshire, paymaster in the Royal Navy: in the Gaol of St. Thomas-the-Apostle.—**Geo. Brownlow**, Hulme, Manchester, vinegar dealer: in the Gaol of Lancaster.

The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Wiltshire, at SALISBURY, Dec. 29 at 11.

**Thomas Poulson**, Atworth, near Milksham, innkeeper.

#### INSOLVENT DEBTORS' DIVIDENDS.

**John Titterton**, York, commission agent in wool: 1s. 3½d. in the pound.—**John Barnard**, Billingham, near Tellingham, Lincolnshire, druggist: 3s. 8d. in the pound.—**J. Beshill**, Beckley, Sussex, plumber: 10½d. in the pound.—**A. F. Warner**, Union-st., Spitalfields, Middlesex, iron plate worker: 1s. 6d. in the pound.—**T. Hanson**, Wilsden, near Bradford, Yorkshire, worsted manufacturer: 1s. 7½d. in the pound.—**Samuel Penn** the elder, Aston, near Birmingham, steam-engine boiler manufacturer: 2s. 6½d. in the pound.—**John Hoppen** the younger, Plymouth, Devonshire, cabinet maker: 3s. 3½d. in the pound.—**W. Gamble**, Basing-lane, Lon-

don, plumber: 8s. 4d. in the pound.—**T. W. Brown**, Stoney-st., Borough, Southwark, Surrey, clerk in the General Register and Record Office of Seamen: 2s. 2d. in the pound.—**W. Thos. Barth**, Holland-place, Clapham-road, Surrey, senior clerk in the Secretary's Department, General Post-office: 4s. 3d. in the pound.—**John Bernard Burke**, Alfred-place West, Thurlow-square, Brompton, Middlesex, barrister-at-law: 6½d. in the pound.—**George Richardson**, Gutter-lane, London, gas fitter: 1s. 11½d. in the pound.—**John Hall Thompson**, Park-st., Camden-town, Middlesex, hairdresser: 5d. in the pound.—**Joseph Taylor Durrant**, Widford, near Chelmsford, Essex, cattle dealer: 8½d. in the pound.—**Thos. Gunner**, Russell-st., St. John's, Southwark, Surrey, wheelwright: 7½d. in the pound.—**Robert Burgess**, Huntsworth-mews, Dorset-square, Regent's-park, Middlesex, cab driver: 1s. 6d. in the pound.—**James Logue**, Salford, Manchester, baker: 1s. 6½d. in the pound.—**Aaron Meaden**, Preston, Lancashire, tin plate worker: 3s. 1d. in the pound.—**John Wright**, Liverpool, perfumer: 1s. 7d. in the pound.—**John Wellman**, Yeovil, Somersetshire, bacon factor: 9½d. in the pound.—**James Homer**, West Derby, near Liverpool, registrar of births: 1s. 3½d. in the pound.—**Francis C. Annesley**, Holles-st., Cavendish-square, Middlesex, captain in the 60th regiment of Rifles: 3s. 5½d. in the pound.—**Abel Stott**, Rochdale, Lancashire, woollen manufacturer: 10½d. in the pound.—**Jos. Minott**, Birmingham, edge-tool maker: 2s. 1½d. in the pound.—**W. Dawson**, Darlington, Durham, labourer: 1s. 8d. in the pound.—**William Horridge**, Manchester, whitesmith: 1s. 8d. in the pound.—**Joseph Oldfield**, Chorley, Lancashire, woollen manufacturer: 11d. in the pound.—**Richard Hopper**, Kingston-upon-Hull, picture dealer: 9d. in the pound.—**R. Knight**, Liskeard, Cornwall, hat manufacturer: 2s. 4d. in the pound.—**Jas. Whalley**, Blackburn, Lancashire, cotton manufacturer: 1s. in the pound.—**Wm. Edwards**, Grange-walk, Hoxton, Middlesex, in-door messenger to the Court for Relief of Insolvent Debtors: 3s. 3½d. in the pound.—**J. Pead**, Exeter, clerk in her Majesty's Royal Navy: 4s. 10d. in the pound.—**Thomas Das Prothero**, Bronti-place, East-street, Walworth, Surrey, clerk in the office of the Exchequer of Pleas: 8½d. in the pound.—**John Reek**, Red Lion-street, Clerkenwell, Middlesex, currier: 7½d. in the pound.—**Joseph Kerby**, Durham-street, Vauxhall, Surrey, clerk in the Superintending President's Office, General Post-office: 4s. 8½d. in the pound.—**Joseph Philip Press**, Church-st., Hackney, Middlesex, draper: 6s. 11d. in the pound.—**John Spencer**, Fulledge, near Burnley, Lancashire, printer: 1s. 9d. in the pound.

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# The Jurist

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LONDON, DECEMBER 24, 1853.

A QUESTION of great importance is at present pending before one of the Vice-Chancellors, viz. whether an appointment by a married woman having separate personal estate for life, with a general power to appoint by will, (but not by deed), renders the property appointed subject to those charges to which the separate life estate of the married woman would have been subject.

The general doctrine is quite clearly settled, that if a person sui juris has a general power of appointment by deed or will, or by deed or by will, and he makes an appointment, and then dies, that appointment makes the property, over which he has such a power, his own assets, so that the appointee takes subject to his debts.

It is also well and clearly settled, that although a married woman, having or not having separate estate,

cannot, in the strict legal sense of the term, contract debts, yet that if, having separate estate, she does that which in a person sui juris would be contracting debts, a charge is raised in equity which attaches upon her separate estate; so that, though she could not be sued at law, equity will seize her separate estate, and there-out pay the equitable creditor. Therefore, if a married woman, having separate estate, were to borrow money on the credit of her separate estate, or to buy goods on such credit, and then die, leaving a fund consisting of arrears of her separate estate, unquestionably the creditor would get paid in equity out of such separate estate. But the question is, whether, having a mere power of appointment by will, so that she never could enjoy the fund to be appointed during her lifetime as her own separate estate, a married woman does, by appointing it by will, make it her separate estate, so as to charge it in the same way as she would impliedly charge her actual separate estate.

It may be argued that when a separate life estate in a fund is given to a married woman, with a power to appoint generally by will, then, inasmuch as she might appoint to her executor, and so make the fund her own, the power to appoint is a part of her separate estate, and that by exercising it, she makes the fund her separate property, and liable to any charges to which any of her admitted separate estate would be liable.

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It may be argued also, that, as much with respect to a married woman having a power to appoint, as to a person sui juris, any such person having a general power to appoint a fund, which she might exercise for the purpose of paying her just debts, if she exercises it at all, shall be held to have exercised it for the purpose of doing justice, and to have made the fund her own, so as to be liable to her debts. But, on the other hand, it may be urged, that, strictly speaking, a married woman cannot contract debts. True, if she has separate estate, equity says that if she borrows or buys on the faith of that separate estate, there arises an implied charge upon the separate estate; not a liability of the married woman—for of that she is incapable—but a charge on her estate. But then that charge can only be on her separate estate. Is, then, property which she could never enjoy as separate estate, having no power to direct its disposition till after her death, her separate estate? It is true, that if, to use the common expression, she has run into debt, she might, if she pleased, appoint the fund to the persons nominally her creditors; and if she chose to do so, of course they would get paid—whether as donees or as creditors would of course be to them immaterial. But if she is incapable of contracting debts, properly so called, and she does not appoint to her quasi creditors, but to other objects, then the question is most material, whether, by appointing, she makes the fund her separate property or not. If she does, it would be subject, like any arrears of her life estate, to the implied charge on her separate estate.

Now, we confess, it does seem to us to be enormously difficult to treat, as the separate property of a woman, a fund over which she has no irrevocable power of disposition in favour of herself. If a married woman has a power of appointment by deed, she may charge the property—she may appoint it to herself—she may irrevocably secure to herself the enjoyment of it; but if she has only the power to appoint by will, how can it be said that she can fix upon it any irrevocable charge? How, therefore, can it be said that she can make it her separate property? The very meaning of separate property is property enjoyable by the wife, exclusive of her husband. But what is the meaning of separate enjoyment by a deceased wife? What is the meaning of separate enjoyment of property that can neither be reduced into immediate possession, nor irrevocably charged, so as to enjoy its fruits or equivalent?

We must say that it does appear to us that there is a very palpable and substantial distinction between the power of a person sui juris, and of a married woman, to appoint generally by will. In the one case there is capacity to contract debt, and to make the estate subject to the power his own for all purposes; in the other, there is no personal capacity to contract debt, nor any power to make the estate strictly separate estate, in which character alone it could be seized, not for that which has no existence—the debt of the married woman—but as that which she has impliedly contracted to charge. We shall await with much interest the decision in the case to which we allude, and which we shall take care shall be reported at the earliest possible period for our readers.

## Correspondence.

### COUNTY COURTS AND THEIR JUDGES.

TO THE EDITOR OF "THE JURIST."

SIR,—The perusal of the able article in your last number, on the evils and abuses of the county courts, has induced me to add my contribution to the communications already made to you. Should you not deem it worthy of insertion, it may yet furnish some hints for any future notices of the same subject, as it is from comparing the individual experience of practitioners that you will be enabled to form comprehensive ideas upon the subject.

It is the deficiency of *character* in the county courts, and the knowledge that the decisions of the judges cannot in all cases be relied upon as just or impartial, or in accordance with the rules of law and evidence, which have led to the prejudice so generally existing against them in the minds of professional men.

The following case requires no comment:—At the instance of a client I instituted proceedings in one of the metropolitan county courts for the recovery of the sum of 19*l.* 19*s.* due to the plaintiff for rent. The original claim was more than 20*l.*, but the jurisdiction was not at that time extended to sums above that amount. The fees paid before the hearing was obtained amounted to nearly 5*l.* The defendant pleaded poverty as an excuse for non-payment, and the merciful (it cannot, I fear, be added just) judge ordered payment of debt and costs by monthly instalments of 10*s.* The unfortunate plaintiff had therefore to wait nearly a year for the payment of court fees only; and even these he never obtained, for the defendant paid but three instalments. Execution was then issued, the goods seized were claimed by a third party, and an interpleader was the result. Although I was successful in proving that a portion of the goods seized belonged to the defendant in the action, yet the judge, after considering the case for a fortnight, ordered my unfortunate client to pay the costs. To complete the history, the amount arising from the sale of the goods, to which he was held entitled, was swallowed up by the expenses of the sale, the sale being made by the officers of the court. Not a farthing has since been paid, or will ever be obtained; and thus the successful suitor in the "poor man's court" has been a considerable loser through having rights which he sought to enforce in the tribunal intended for small demands.

Can it be expected, that, with the experience of cases of this kind, any attorney will advise a client to resort to county courts, when the superior courts are within his reach?

Your obedient servant,

J.A.

Dec. 21, 1853.

TO THE EDITOR OF "THE JURIST."

SIR,—The evils arising from the localisation of judges, as pointed out in your last number, did not escape our ancestors. The stat. 33 Hen. 8, c. 24, recites, that in the reign of Richard II an act was passed, "that no man learned in the laws of this realm should from thenceforth be justice of assize in the county where he dwelleth;" and that, "since the making of which good act and law, divers justices, by their own means, industry, and policy, and for their own commodity and ease, have obtained, contrary to the form of the said act, to be justices of assize in the counties where they were born or were inhabiting, whereby some jealousy of their affection and favour towards their kinsmen, alliance, and friends within the said counties hath been conceived and had against them by the King's most loving subjects of the same counties." It is then enacted, that no man shall be justice of

size in the county where he was born, or doth inhabit, under a penalty of 100*l*.

I am, Sir,  
Your constant reader,  
H.

### THE STATUTE-LAW COMMISSION.

We continue our extracts from Mr. Coode's papers:—

To the second paper are appended—1. Suggestions as to the preparation of compilations of the existing law, to accompany bills in Parliament, (prepared in 1842). 2. A digest of the acts for the relief of the poor.

The following extract is from the first appendix:—

"The advantage of doing all these acts of legislation deliberately and with ample knowledge cannot be disputed; that it is habitually so done will hardly be maintained; at all events, the foregoing examples, in a matter in which it was least likely that neglect and ignorance would be apparent, serve to shew how frequently it is not done. But it may still be said that the means of obtaining all the requisite information already exist. They do so, but they are not at hand in an available shape. The matter, so far as statute law is concerned, is in the statute-book; but who does—indeed, who can, upon a sudden doubt arising, or in the course of debate, or in the moment for deciding—seek it out? Who, for instance, would, without some indication, seek all the original authorities for an enactment so simple, in effect, as this?—

#### POOR-RATE.

(154).

Where any person,

43 Eliz. c. 2, s. 6.

17 Geo. 2, c. 38, s. 4.

'owner' or other,

59 Geo. 3, c. 12, s. 22.

finds himself aggrieved by any rate made for the relief of the poor,

43 Eliz. c. 2, s. 6.

17 Geo. 2, c. 38, s. 4.

in any parish,

43 Eliz. c. 2, s. 6.

or in any township or village,

13 & 14 Car. 2, c. 12, s. 17.

or in any union for rating,

4 & 5 Will. 4, c. 76, s. 35.

or has any material objection to any person or persons being put on such rate,

or left out of such rate,

or to the sum charged on any person or persons therein,

or finds himself aggrieved by any neglect, act, or thing done by the 'overseers,' or by any 'justice,'

if the person so aggrieved

give reasonable notice of appeal

to the 'overseers' of the parish, township, or village,

17 Geo. 2, c. 38, s. 4.

and to the other persons, if any, entitled to such notice,

41 Geo. 3, c. 23, s. 6.

THE PERSON SO AGGRIEVED MAY appeal

to the next general or quarter sessions of the peace for the 'county' or 'place'

where such 'parish,'

43 Eliz. c. 2, ss. 6, 8.

17 Geo. 2, c. 38, s. 4.

or union for rating,

4 & 5 Will. 4, c. 76, s. 35.

lies,

17 Geo. 2, c. 38, s. 4.

Or this?—

#### CHURCH-RATE.

(222).

Where any Quaker

7 & 8 Will. 3, c. 34, s. 4.

refuses to pay any church-rates,

or any customary or other rights, dues, or payments belonging to any church or chapel which of right by law and custom ought to be paid for the stipend or maintenance of any minister or curate officiating therein,

1 Geo. 1, stat. 2, c. 6, s. 2.

if any churchwarden, or other person who ought to have, receive, or collect the same, complain thereof,

7 & 8 Will. 3, c. 34, s. 4.

and if such Quaker have reasonable warning (of such complaint?)

1 Geo. 1, stat. 2, c. 6, s. 2.

ONE OF THE NEXT JUSTICES of the peace

53 Geo. 3, c. 127, s. 6.

of the same county,

other than such justice of the peace as is patron of any such church or chapel,

1 Geo. 1, stat. 2, c. 6, s. 2.

MAY, by warrant under his hand and seal, summon such Quaker

before the two next justices of the peace of the same county,

7 & 8 Will. 3, c. 34, s. 4.

But when the matter is so compiled, who can have any excuse for not referring to the original matter when any case of doubt, however slight, arises?" (Pp. 60, 61).

Our next extract will contain the greater part of the third paper on "Consolidation." After describing the important functions of the statesman in the process of consolidation, Mr. Coode proceeds:—

"(100). This element of practical policy and statesmanship, necessarily and inevitably involved in the process of consolidation, is one that can be submitted to no rule more precise or minute than the general principle of adopting on every occasion what may appear to be on that occasion the most useful practicable course; in other words, the field of operation is all human affairs in all circumstances—the means of operation, all human intelligence and power—and the object, the utmost attainable utility. These manifestly transcend all rules and all methods that can be laid down at any time by anticipation.

"(101). But when the practical determination is in any case come to by any means whatever, the matter concluded comes again within the operation of the rules for expressing laws, (91), and for preserving the relative connexion and order of their elements, (50—59). Here the statesman's special function is at an end—the simple principles of method and composition have undisputed and undivided control; the function of the formal compiler revives; and here it would appear, that, in addition to many rules of smaller importance, there is one expedient of great importance for the realisation in the most complete and simple manner of this process of consolidation.

"Consolidation consists mainly in the replacement, in an improved expression, form, and order, in one synchronous enactment, of an indefinite series of distinct pre-existing laws.

"As it comes into effect, the pre-existing laws which it replaces cease to have effect. The instantaneous and identical operation is, that as the one comes into force the others are defunct; and it would be to lose the chief benefit of consolidation to leave any part of the previous law on the same subject still in operation. In other words, consolidation of the law should imply an equivalent repeal of law.

"(102). It is desirable to disincumber any consolidation of the law of all matter that is foreign or unnecessary to it; and the repealing clause, which would generally be very cumbrous in connexion with any comprehensive consolidation, (in the case of the poor laws, would extend to above 300 articles, some requiring a minute and detailed expression), would be a serious incumbrance if inserted in any act.

"A good practice has been adopted, in many cases, of enacting the repeals in acts separately and distinctly from the consolidated or new enactments, as in the case of the acts 3 Geo. 4, c. 41, and the four following chapters, 42, 43, 44, 45; and of the 5 Geo. 4, c. 95, and the two following chapters, 96 and 97; and of the 6 Geo. 4, c. 105, and the eleven following chapters; and of the 7 & 8 Geo. 4, c. 27, and the four following chapters; and of the 9 Geo. 4, c. 53, and the three following chapters; and of the 1 & 2 Will. 4, c. 36, and the following chapter; and of the 14 & 15 Vict. c. 71, and the — following chapters; and in other instances that it would be unnecessarily tedious to enumerate. The advantage of this course is, that the repealing act and repealed acts all sleep together, and need never again incumber the library, the law, or legislation.

"This practice should be invariably adopted, not only in formal consolidations, but on every occasion when any portion of the statute law, however minute, is formally repealed, or in effect superseded. This practice alone, consistently carried out, during the last thirty years would have relieved the statute-book of three-fourths of its contents, and would have made the task of consolidation easy now to perform, or easily to be dispensed with.

"(103). Somewhat similar considerations apply to another very cumbrous and very detailed branch of legislation, which has hitherto exercised, through the way in which it has been dealt with, a very injurious effect upon the expression, form, and bulk of the permanent and most important part of our legislation; that is, the incorporation in one series of provisions of transitory matters with permanent.

"The whole business of legislation is to effect the changes in the law which the progress of society and increasing complication of interests require. No legislation can be supposed to be so perfect at the time of its promulgation as never again to require change; and all legislation, as it effects a change, implies the probability of a future change.

"Still the greater part of legislation has for its object the arrival at a settled and more or less stable and permanent condition of the rights and obligations of all the members of the community; and, effectually, a large and important portion of English legislation has been permanent through centuries; and all legislation whatsoever intended to establish rights, (57—59), or to impose and define obligations, (60), the only material and substantive part of the law, is in its conception, and when successful, is in its effect, of this permanent character. And it is precisely this portion of all law that determines the general and special character of every legal system, and is productive of those political and social results which are the ultimate objects of all legislation, and the consummation of all political success. It is only this portion which it much concerns us to make clear to the conceptions of all men, inasmuch as all subjects are equally interested in it; and it is this portion which, when once approved in practice, it most concerns us to make permanent. In short, nothing can justify the withholding of any labour which can be usefully bestowed upon it.

"(104). All other matters, modes of protection, remedies, procedures, administrative and executive arrangements—even the greatest constitutional and political institutions—are but subservient and ministerial to the establishment and maintenance of individual

rights. These instrumental institutions suffer, without legislation, incessant change, and are the constant subjects of express legislative modification. No doubt they have a stability generally proportionate to their usefulness in subordination to their prime object, and while they subsist, good expression, good form, and certainty of effect in them is also useful in proportion to their duration.

"(105). But these instrumental institutions are, for our present purpose, of two kinds; the one set subservient to the permanent rights of the community, and which themselves, in their intention and expression, are always of a permanent nature.

"These, so far as they are specially connected with any primary subject of consolidation, should be consolidated with it in one operation, and would become subject to amendments with the whole of the consolidated act, of which indeed they would be, in the ordinary course of things, the only part subject to much or frequent amendment.

"(106). But the second set of instrumental provisions—those, namely, which, in their conception and original institution, have a temporary and transitory character, and are adopted only as a means of transition from one state of things to another, and, by the terms of their institution, become defunct as soon as the transformation is effected—require a wholly different treatment.

"When the object is to effect such transformation—say, for instance, to inclose a waste, to convert common into severalty, to convert tithe into rent, and commute it for a rent-charge, to settle boundaries, or the like—the result, when effected, is a permanent result, calculated to endure, perhaps, for all time; but the law which will then apply to this result will be found in the general permanent law of several property, of rent, of rent-charge, or boundary, or whatever the transformed subject may be; and a few sentences will in every case express all that is necessary to identify the subject thus transformed, with all its congenic matter, and to confer on all its qualities, incidents, and consequences; and this expression is all that should appear in any consolidated or any permanent law.

"All the instrumental provisions, the appointment of commissions, their investiture with powers, the definition of their mode of proceeding, their protections, and their responsibilities, are transient accessories, doomed to disappearance and extinguishment as soon as their temporary work is done.

"It is impossible to produce cumbrousness and complication of form, and concealment of essential matter, more effectually than by the present mode of legislation in all such cases. In the instances above adverted to, the register prepared according to the paper I. (...) shews, that in the acts passed for effecting the commutation of tithes, the enfranchisement of copyholds, the inclosure of waste, and severance of commons, about one clause in forty-three contains a permanent element, and that even in this one clause it is commonly but a part intermingled with a greater portion of transitory matter. I have not examined all these clauses with sufficient minuteness to assert the proportion very precisely, but am satisfied that the total permanent matter in the whole of this great mass of enactments does not constitute nearly a one-hundredth part of the whole. Thus, by this present mode of providing, in one undistinguishable set of enactments, both the permanent result and the transient process by which it is to be obtained, we, and all generations of men, have to wade through ninety-nine parts of expired and inoperative verbiage for one part of living law.

"Yet in no one instance that I have ever observed has it occurred that the clearness of expression or the practical effect were improved by this intermingling of transitory and permanent matter; on the contrary, in



every experiment that I have made, the permanent matter, when separated from the transitory, has come out in a vastly improved form—simpler, clearer, more rational, and more emphatic.

(To be continued).

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

Thomas Oliver, solicitor, 11, Old Jewry-chambers, London, to be a London Commissioner.

John Suckling, jun., of Birmingham, to be a Commissioner in England.

### London Gazettes.

FRIDAY, DECEMBER 16.

#### BANKRUPTS.

CLAUDIUS ALFRED SCRIVENER, Old 'Change, London, milliner and flower merchant, Dec. 27 and Jan. 31 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition filed Dec. 14.

THOMAS ARCHER, Braintree, Essex, woollendrapery and clothier, Dec. 31 at half-past 12, and Feb. 4 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Aldridge & Bromley, South-square, Gray's-inn.—Petition dated Nov. 7.

DANIEL EDWARDS and WILLIAM BISHOP, Hartland-road, Camden-town, Middlesex, builders, Dec. 31 and Feb. 4 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Goren, 29, South Molton-street, Oxford-street, Middlesex.—Petition dated Dec. 15.

DANIEL ANTROBUS, Manchester, sharebroker, dealer and chapman, Jan. 6 and 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Atkinsons & Last, Manchester.—Petition filed Dec. 13.

#### MENTINGS.

Moses Draper, High-street, Southwark, Surrey, and Ramsgate, Kent, straw-bonnet maker, Jan. 5 at 1, Court of Bankruptcy, London, and ac.—Robt. Jeffery, Upper North-place, Gray's-inn-road, Middlesex, coach maker, Jan. 10 at 11, Court of Bankruptcy, London, and ac.—George Frederick Le Serre, Bank-chambers, Lothbury, London, stockbroker, Jan. 10 at 11, Court of Bankruptcy, London, and ac.—Chas. Pollard, Wellington-street North, Strand, Middlesex, licensed victualler, Jan. 5 at 12, Court of Bankruptcy, London, and ac.—Wm. Geo. H. Tuntton, Liverpool, civil engineer, Dec. 29 at 11, District Court of Bankruptcy, Liverpool, and ac.—Thos. Bates, Schofield Sheard, and John Sheard, Halifax, Yorkshire, engineers, Jan. 16 at 11, District Court of Bankruptcy, Leeds, and ac.—Wm. Tringham, Crawford-street, Marylebone, Middlesex, hardwareman, Jan. 6 at 1, Court of Bankruptcy, London, div.—Richard Pope and John B. Pope, Adelaide-place, London-bridge, London, and Criggleston, Yorkshire, brick manufacturers, Jan. 6 at half-past 1, Court of Bankruptcy, London, div.—Wm. Miller, Dorking, Surrey, auctioneer, Jan. 6 at 1, Court of Bankruptcy, London, div.—Ann Stuart Burns, Liverpool, hosier, Jan. 5 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Benjamin Bell, Newcastle-upon-Tyne, coal merchant, Jan. 6 at half-past 1, Court of Bankruptcy, London.—J. Sharp, Queen's-road, St. John's-wood, Middlesex, builder, Jan. 9 at half-past 1, Court of Bankruptcy, London.—Thomas Lamb

Atkinson, Wood-street, London, linen warehouseman, Jan. 9 at 1, Court of Bankruptcy, London.—Francis Wm. South, Maidstone, Kent, beer-seller, Jan. 9 at 11, Court of Bankruptcy, London.—Lionel Goldsmith, Queen-street, Cheapside, London, merchant, Jan. 9 at half-past 2, Court of Bankruptcy, London.—Alfred Horlock, Northfleet, Kent, steam-engine manufacturer, Jan. 10 at 12, Court of Bankruptcy, London.—William Henry Dee, Cambridge, plumber, Jan. 9 at 12, Court of Bankruptcy, London.—John H. Bell, Manchester, hosier, Jan. 9 at 12, District Court of Bankruptcy, Manchester.—Joseph Bester, Birmingham, builder, Jan. 10 at 11, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

Wm. John Bowden, Ware, Hertfordshire, apothecary.—A. S. Hay, Old Broad-street, London, shipowner.—J. Gliddon, Plymouth, Devonshire, beer brewer.—Joseph B. Elignett, Liverpool, salt agent.—John Spittlehouse, Sheffield, Yorkshire, joiner.—Rebecca Allen, Alfreton, Derbyshire, inn-keeper.

#### SCOTCH SEQUESTRATIONS.

Robert Fogo, Inverary, Argyllshire, writer.—John Davis, Glasgow, grocer.—Wm. Bowie, Edinburgh, commission agent.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Fred. Wm. White, Gainsborough, Lincolnshire, butcher, Jan. 9 at 12, County Court of Lincolnshire, at Gainsborough.—John Purkis, Southampton, dairyman, Dec. 31 at 10, County Court of Hampshire, at Southampton.—James Lenn, Lyndhurst, Southampton, shoemaker, Dec. 31 at 10, County Court of Hampshire, at Southampton.—John W. Oldland, Southampton, staymaker, Dec. 31 at 10, County Court of Hampshire, at Southampton.—Richard Bartram, Aston Cantiloe, Warwickshire, wheelwright, Dec. 30 at 11, County Court of Warwickshire, at Alcester.—Wm. Perry, Claverham, Yatton, Somersetshire, farmer, Dec. 28 at 11, County Court of Gloucestershire, at Bristol.—George Dark, Bristol, bacon dealer, Dec. 21 at 11, County Court of Gloucestershire, at Bristol.—Wm. Howell, Bristol, baker, Jan. 25 at 11, County Court of Gloucestershire, at Bristol.—Robert Williams, Bristol, rag merchant, Dec. 28 at 11, County Court of Gloucestershire, at Bristol.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Jan. 2 at 10, before the CHIEF COMMISSIONER.

Wm. Woods the younger, Wilmington-square, Clerkenwell, Middlesex, commercial traveller.—John Horton, Edward-st., Hampstead-road, Middlesex, upholsterer's salesman.—Chas. Davey, Rockingham-row East, New Kent-road, Surrey, milliner.—Thomas Glover, Skelton-st., Greenwich, Kent, cowkeeper.—Charles Goodman, Globe-terrace, Globe-road, Mile-end, Middlesex, carpenter.—Catherine Tuvener, widow, Hill-st., Knightsbridge, Middlesex, not in any business.—Joseph Amey, Enfield-highway, Middlesex, corn chandler.

Jan. 2 at 11, before Mr. Commissioner PHILLIPS.

Wm. Gillsbanks, Lewisham, Kent, commission agent.—F. J. Ross, Church-st., Lambeth, Surrey, music smith.—Geo. Ayimore, Vincent-terrace, River-terrace, Islington, Middlesex, lodging-house keeper.—Geo. Lunniss Cope, Albert-place, Chelsea, Middlesex, butcher.—Samuel Wray, Gerrard-street, River-terrace, City-road, Middlesex, out of business.—R. Hutchinson, High-st., Woolwich, Kent, shopman to a grocer.—John King, Nelson-square, Blackfriars-road, Surrey, clerk.—George Frederick White, Park-street, Borough-market, Southwark, Surrey, potato salesman.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Dec. 30 at 10, before the CHIEF COMMISSIONER.

William Free Parslow, St. Andrew's-road, Horsemen-gate.

lane, Newington, Surrey, timber dealer.—*Duncan Maclean*, Britannia-terrace, City-road, Middlesex, out of business.—*Charles Hatcher*, South-end, Croydon, Surrey, out of business.—*John Charles Webster*, Beresford-st., Walworth, Surrey, out of business.—*John Winter*, Little Shire-lane, near Temple-bar, Middlesex, licensed retailer of beer.—*Alexander Symons*, Southwark-bridge-road, Surrey, engineer.—*William Lang*, Loat's-cottage, Acre-lane, Brixton, Surrey, bricklayer.

Dec. 30 at 11, before Mr. Commissioner PHILLIPS.

*Henry Allen Duncan*, Brecknock-crescent, Camden New-town, Middlesex, surgeon.—*Charles S. Finlaison*, Stratford-grove, Putney, Surrey, clerk in an insurance office.—*William Stribling*, Northumberland-street, New-road, Marylebone, Middlesex, carpenter.—*Frederick L. Moore*, Blackfriars-road, Surrey, out of business.—*Constantino N. Combottis*, John-street, America-square, London, out of business.—*James P. Vale*, Spring-street, Baker-street, Portman-square, Middlesex, plumber.

Dec. 30 at 11, before Mr. Commissioner MURPHY.

*Henry S. J. Thew*, George-street, Portman-square, Middlesex, envelope manufacturer.—*John Rowe*, Maryland Point, Stratford, Essex, auctioneer.—*W. Mitchell*, Upper Thames-street, London, tin-plate worker.

Jan. 2 at 10, before the CHIEF COMMISSIONER.

*James Elmer*, Barking, Essex, sail maker.—*Jarvis Wilks*, Springfield-cottages, Goldsmith's-place, Kilburn, Middlesex, mechanical tool maker.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER, Dec. 30 at 12.

*Wm. Metcalfe*, Manchester, soap manufacturer.—*Henry Puxlett*, Burnley, out of business.—*John Hannay*, Leigh, coffee dealer.—*John Warburton*, Salford, cotton doubler.—*James Robinson*, Manchester, provision-shop keeper.—*John Hewitt*, Ardwick, Manchester, coach proprietor.—*Robert Williams*, Liverpool, joiner.—*Thomas Kendrew*, Hulme, Manchester, not in any business.—*John Ker*, Walton-on-the-Hill, near Liverpool, out of business.—*Thomas Formby*, Blackburn, leather dealer.—*Lee Gosling*, Stockport-road, near Manchester, out of business.—*Richard Richardson*, Chorlton-upon-Medlock, Manchester, beer seller.—*Edward Holmes*, Manchester, fruiterer.—*George Brownlow*, Hulme, Manchester, vinegar dealer.—*Edward Atkinson*, Hulme, Manchester, brush maker.—*Thomas Moore*, Salford, out of business.—*Robert Gibson*, Hulme, Manchester, chemist.—*Edwin Weigh*, Hulme, Manchester, music seller.

At the County Court of Lincolnshire, at LINCOLN, Jan. 3 at 12.

*Joseph Burton*, Stamford, out of business.

## TUESDAY, DECEMBER 20.

### BANKRUPTS.

**WILLIAM HINDE**, Bedford, plumber and glazier, dealer and chapman, Dec. 31 and Feb. 8 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Messrs. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Dec. 16.

**CALEB AMBROSE**, Sheerness, Kent, ironmonger, dealer and chapman, Jan. 9 at 11, and Feb. 8 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Wetherfield, 14, Basinghall-street, London.—Petition dated Dec. 3.

**HENRY WHEELER**, George-street, Richmond, Surrey, baker, Dec. 29 at half-past 12, and Jan. 26 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Reynell, 10, Staple-inn.—Petition filed Dec. 15.

**WILLIAM CUTLER** the younger, Ryde, Isle of Wight, Southampton, carpenter, dealer and chapman, Dec. 29 at 11, and Jan. 23 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Buchanan, Basinghall-street.—Petition filed Dec. 17.

**THOMAS HAYWARD**, Gloucester, cook, pastrycook, and confectioner, dealer and chapman, Jan. 4 and Feb. 1 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Smallridge, Gloucester.—Petition filed Dec. 16.

**ROBERT FREDERICK MILLER**, Hammersmith, Middlesex, coach builder, dealer and chapman, Jan. 4 and 31 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Messrs. G. & C. Smith, 5, Southampton-building, Holborn.—Petition filed Dec. 19.

**JOHN INNELL**, late of Ross, but now of Weston, Herefordshire, grocer and tea dealer, dealer and chapman, Jan. 2 and Feb. 1 at half-past 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Kearsey, Stroud.—Petition filed Dec. 19.

**JOSEPH JOHNSON** the younger, Liverpool, estate agent and lime burner, Jan. 4 and 25 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool.—Petition filed Dec. 14.

**JONATHAN ANDREW**, Manchester, commission agent, dealer and chapman, Jan. 9 and Feb. 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. De Lard & Fogg, Manchester.—Petition filed Dec. 15.

### MEETINGS.

*John Strachan*, Newcastle-upon-Tyne, common brewer, Jan. 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John G. Lacy*, Great St. Helen's, Bishopsgate-street, London, gun manufacturer, Dec. 31 at half-past 12, Court of Bankruptcy, London, and. ac.—*T. L. Powell*, Romsey, Hampshire, upholsterer, Jan. 11 at half-past 12, Court of Bankruptcy, London, div.—*Robert Busby*, Wood-street, Bethnal-green, Middlesex, cowkeeper, Jan. 10 at 12, Court of Bankruptcy, London, div.—*Joshua Bowker*, Hyde, Cheshire, innkeeper, Jan. 10 at 12, District Court of Bankruptcy, Manchester, div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Charles William Mathews*, High-street, Woolwich, Kent, butcher, Jan. 11 at 12, Court of Bankruptcy, London.—*P. W. Hardwick*, Regent-street, Middlesex, dealer in ribbons, Jan. 11 at 1, Court of Bankruptcy, London.—*T. L. Powell*, Romsey, Hampshire, upholsterer, Jan. 11 at half-past 12, Court of Bankruptcy, London.—*James Glasscock*, Coleman-street and South-street, New North-road, Islington, Middlesex, baker, Jan. 13 at 11, Court of Bankruptcy, London.—*Walter Cobbett*, Bear-gardens, Surrey, plumber, Jan. 10 at 1, Court of Bankruptcy, London.—*George Dormond*, Sandealand, Durham, butcher, Jan. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*George Bennett*, Birmingham, licensed victualler, Jan. 24 at 10, District Court of Bankruptcy, Birmingham.—*John Mansfield*, Lyme Regis, Dorsetshire, shipbuilder, Jan. 19 at 1, District Court of Bankruptcy, Exeter.—*R. C. Hopekirk*, Exeter, perfumer, Jan. 19 at 1, District Court of Bankruptcy, Exeter.

To be granted, unless an Appeal be duly entered.

*Joseph Heath*, Chesham, Buckinghamshire, chemist.—*A. Clarkson*, Reading, Berkshire, licensed victualler.—*R. Cope*, Earl-street, Blackfriars, London, iron merchant.—*William Barton*, Islington, Middlesex, licensed victualler.—*John Gamon*, Woolwich, Kent, butcher.—*Joseph Boys*, Peckham, Surrey, linendraper.—*Samuel Underhill*, Wolverhampton, Staffordshire, commission agent.

### PARTNERSHIP DISSOLVED.

*Edward W. Haines* and *Samuel Haines*, Great Marlborough-street, Middlesex, attorneys and solicitors.

### SCOTCH SEQUESTRATIONS.

*Wm. Hunter*, deceased, Cotton, Aberdeenshire, overseer at Grandholm Works.—*Simon M. Ross, Esq.*, deceased, Aldin, Tain, Ross-shire.—*Daniel M'Intosh*, Campbelltown, Argyleshire, shipowner.—*Penton & Barles*, Maryland Quarry, near Glasgow, Lanarkshire, builders.—*James M'Pherson*, Perth, draper.

### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Job Goodey*, Belchamp St. Paul's, Essex, miller, Jan. 11 at 12, County Court of Suffolk, at Sudbury.—*Solomon Bell*, Millbrook, Bedfordshire, tailor, Jan. 11 at 1, County Court of Bedfordshire, at Amptill.—*William Seddon*, Hulme, Manchester, watchmaker, Jan. 9 at 12, County Court of Lancashire, at Manchester.—*Charles Abbott*, Chelmsford, Essex,

innkeeper, Jan. 12 at 12, County Court of Essex, at Chelmsford.—*George Choyce* the younger, Belton, Leicestershire, farmer, Jan. 10 at 10, County Court of Leicestershire, at Ashby-de-la-Zouch.—*Wm. Stone*, Exeter, baker, Dec. 27 at 10, County Court of Devonshire, at Exeter.—*Jane Sicklemore*, Lewes, Sussex, baker, Dec. 27 at 11, County Court of Sussex, at Lewes.—*Charles Malpass*, Lower Carn, Berkeley, Gloucestershire, tailor, Jan. 9 at 11, County Court of Gloucestershire, at Dursley.—*George Welman*, Exeter, upholsterer, Dec. 27 at 10, County Court of Devonshire, at Exeter.—*Archibald Gillespie*, Morpeth, Northumberland, grocer, Jan. 27 at 10, County Court of Northumberland, at Morpeth.—*Thomas Trafford*, Goulceby, near Horncastle, Lincolnshire, boot maker, Jan. 4 at 11, County Court of Lincolnshire, at Horncastle.—*Charles Apps*, Worcester, tailor, Jan. 11 at 10, County Court of Worcestershire, at Worcester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 4 at 10, before the CHIEF COMMISSIONER.*

*Robert J. Pearl*, Greyhound-row, High-street, Nottingham, Middlesex, dyer.—*Richard Wade*, Birchington-lane, Cornhill, London, and Barnsbury-street, Islington, Middlesex, tailor.—*David Clippsham*, Chickens-and-street, Whitechapel, Middlesex, baker.—*Henry T. S. Stanley*, Chiswick, Middlesex, in no business.—*James Brothers*, Murray-street, Camden-town, Middlesex, vicar.—*Joseph Awey*, Enfield, Middlesex, baker.

*Jan. 4 at 10, before Mr. Commissioner MURPHY.*

*Wm. L. Bowley*, Lant-street, Southwark, Surrey, lighterman.—*Henry A. Reed*, Bennett's-place, West Green-road, Tottenham, Middlesex, out of business.—*John Lee*, Barking, Essex, sail maker.—*James Wild*, Princes-road, Notting-hill, Middlesex, corn chandler.—*Walter Tooth*, Hamilton-row, Bagnigge-wells-road, Clerkenwell, Middlesex, leather seller.—*George Palmer*, Baldwin's-gardens, Gray's-Inn-lane, Middlesex, carpenter.—*James Wyer*, Museum-street, Bloomsbury, Middlesex, trunk maker.—*George Thorneio*, High-street, Poplar, Middlesex, cheesemonger.—*Dudley Walker*, Smith-street, King's-road, Chelsea, Middlesex, clerk in the General Register-office, Somerset House, Strand, Middlesex.—*Joseph Robinson*, St. James's-walk, St. James's, Clerkenwell, Middlesex, beer-shop keeper.

*Saturday, Dec. 17.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Wm. Simons Hollands*, Princes-road, Bermondsey, Surrey, architect, No. 63,916 T.; *Benjamin Parfitt*, assignee.—*Henry Jones*, Handbridge, Cheshire, builder, No. 76,418 C.; *Richard Lewis*, assignee.—*Wm. Hoult*, Belton, Leicestershire, farmer, No. 76,049 C.; *Joseph Bennett*, assignee.—*C. Storry*, Southampton, steward of the Clyde Royal Mail Steam-packet, No. 77,119 C.; *Joseph Shackell*, assignee.—*Henry Myers*, Blackburn, Lancashire, draper's assistant, No. 77,219 C.; *Samuel Swan*, assignee.—*John Hobson*, Newcastle-upon-Tyne, assistant shopman, No. 77,230 C.; *Elizabeth Wild*, assignee.—*Richard Pilkington*, Gilnow, Bolton-le-Moors, Lancashire, retail dealer in ale, No. 77,221 C.; *Henry Macoun*, assignee.

*Saturday, Dec. 17.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Felix Wm. Lankston*, Croydon, Surrey, architect: in the Gaol of Surrey.—*John Bryant*, Keston, near Bromley, Kent, market gardener: in the Gaol of Surrey.—*John Olley*, St. George's-road, Southwark, Surrey, licensed retailer of beer: in the Queen's Prison.—*Louis Felix Lachapelle*, Lyndhurst-road, Peckham, Surrey, commission agent: in the Debtors Prison for London and Middlesex.—*John Gatliff*, Clarendon-terrace, Camberwell New-road, Surrey, secretary to a gold mining company: in the Debtors Prison for London and Middlesex.—*John Weale*, Tyler-street, Regent-street, Middlesex, shoe manufacturer: in the Debtors Prison for London

and Middlesex.—*George T. Norris*, Dudley-street, Bloomsbury, Middlesex, pattern-book maker: in the Debtors Prison for London and Middlesex.—*Robert Meikleham*, Park-ottages, Scott's Park, Hammersmith, Middlesex, publisher: in the Debtors Prison for London and Middlesex.—*Joseph Bull*, Oval, Hackney-road, Middlesex, clerk to a corn merchant: in the Debtors Prison for London and Middlesex.—*Chas. J. Turner*, Plaistow, Essex, carpenter: in the Queen's Prison.—*Henry W. Young*, Westbourne-park-road, Bayswater, Middlesex, attorney-at-law: in the Queen's Prison.—*Frederick P. Helm*, Tavistock-place, Russell-square, Middlesex, surgeon-dentist: in the Debtors Prison for London and Middlesex.—*Wm. Wall*, Exeter-street, Strand, Middlesex, fruiterer: in the Debtors Prison for London and Middlesex.—*H. Young*, Hackney-road, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Charles Hunt*, Brownlow-street, Drury-lane, Middlesex, artist: in the Debtors Prison for London and Middlesex.—*John Freeman*, Great James-st., Bedford-row, Middlesex, gentleman: in the Queen's Prison.—*John Grice*, Mount-street, Marsh-gate, Lambeth, Surrey, wheelwright: in the Gaol of Surrey.—*James Terry*, Plumstead, Kent, baker: in the Queen's Prison.—*Thomas Billington*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Formby*, Blackburn, Lancashire, leather dealer: in the Gaol of Lancaster.—*Lee Gosling*, Stockport-road, near Manchester, out of business: in the Gaol of Lancaster.—*Wm. Hague*, Droyloden, Manchester, grocer: in the Gaol of Lancaster.—*John Hewitt*, Manchester, coach proprietor: in the Gaol of Lancaster.—*Edward Holmes*, Manchester, fruiterer: in the Gaol of Lancaster.—*Thomas Kendrew*, Salford, Lancashire, in no business: in the Gaol of Lancaster.—*John Ker*, Walton-on-the-Hill, near Liverpool, out of business: in the Gaol of Lancaster.—*Robt. Williams*, Liverpool, joiner: in the Gaol of Lancaster.—*Henry Henly*, Colehill, Berkshire, farm bailiff: in the Gaol of Reading.—*Ainsworth Lovick*, York, out of business: in the Gaol of York.—*John Broadbell*, Headingley, near Leeds, Yorkshire, farm labourer: in the Gaol of York.—*David Clegg*, Colne, Lancashire, out of business: in the Gaol of Lancaster.—*R. Richardson*, Chorlton-upon-Medlock, Lancashire, beer seller: in the Gaol of Lancaster.—*G. Green*, Pitton, near Shepton Mallett, Somersetshire, turnpike-toll lessee: in the Gaol of Wilton.—*Richard Light*, Brockenhurst, Southampton, railway gate-keeper: in the Gaol of Winchester.—*Wm. Harris Spicer*, Dudley, Worcestershire, hatter: in the Gaol of Coventry.—*Wm. Yardley Pitt*, Willenhall, Staffordshire, file manufacturer: in the Gaol of Coventry.—*George Matthews*, Abergavenny, Monmouthshire, pianoforte tuner: in the Gaol of Monmouth.—*Wm. Watson*, Gegin-ddu Miners, near Wrexham, Denbighshire, mining contractor: in the Gaol of Ruthin.—*Wm. Dodd*, Nuneaton, Warwickshire, out of business: in the Gaol of Coventry.—*Charles Singleton*, Birmingham, baker: in the Gaol of Coventry.—*Henry Williams*, Birmingham, retailer of beer: in the Gaol of Coventry.—*Wm. H. Jones*, Birmingham, shoemaker: in the Gaol of Coventry.—*Wm. Sandland*, Birmingham, cigar dealer: in the Gaol of Coventry.—*Jabes Cushtrey*, Yeadon, near Leeds, Yorkshire, labourer: in the Gaol of York.—*Geo. Priest*, Middlesbrough-on-Tees, Yorkshire, licensed victualler: in the Gaol of York.—*Geo. Jubilee Jones*, Easton, Bristol, Somersetshire, mason: in the Gaol of Bristol.—*Theo. Chapman Colson*, Sydenham, Kent, railway contractor: in the Gaol of Maidstone.—*A. Hawkins*, Dover, Kent, plumber: in the Gaol of Dover.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 3 at 10, before Mr. Commissioner MURPHY.*

*Henry Wakeford*, Clifton-st., Wandsworth-road, Surrey, builder.—*Mark Pratten Lee*, Albemarle-street, Clerkenwell, Middlesex, tailor.

*Jan. 5 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Southam*, Berwick-st., Pimlico, Middlesex, clerk in saw mills.—*Henry Clarke*, Fish-st.-hill, and King William-street, London-bridge, London, attorney-at-law.—*William Canby*, Devonshire-mews, South Portland-place, Middlesex, cab-driver.—*Maria Lamb*, Stanmore-street, Caledonian-road, Islington, Middlesex, laundress.—*Theophilus John Luger*, Walton-on-Thames, Surrey, gentleman.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Oxfordshire, at OXFORD, Jan. 6 at 10.*

*John Arthur, Enstone, innkeeper.*

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Jan. 12 at 10.*

*Joseph Hetherington, Gateshead, Durham, inspector of coal measures.*

*At the County Court of Denbighshire, at RUTHIN, Jan. 13 at 11.*

*Wm. Watson, Gegin-ddu Miners, near Wrexham, mining contractor.*

*At the County Court of Monmouthshire, at MONMOUTH, Jan. 20 at 2.*

*George Deakin, Blaenavon, Llanover Upper, chemist.—G. Matthews, Abergavenny, pianoforte tuner.*

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# The Jurist

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LONDON, DECEMBER 31, 1853.

MR. WILLIAMS\*, in his recently published work on the practice of the Court of Chancery, which we shall take an early opportunity of noticing at more length, in discussing the effect of the 61st section of stat. 15 & 16 Vict. c. 86, observes, most correctly, that it is not to be inferred from that section that the Court will send no question to be tried at law; and that the section refers only to those cases where the question is a mere question of law, not to a mixed question of law and fact. He then proceeds to discuss the effect of the 62nd section, by which the Court may determine the legal title of the party seeking equitable relief, without requiring the parties to proceed at law. On this Mr. Williams says—

"With reference to the provisions of the 62nd section, in cases of patent, copyright, or the like, the Court generally refused to interfere by injunction until the plaintiff's title had been established at law. This became so invariably the course of the Court upon all applications for an injunction, that Lord Cottenham once suggested the prudence of commencing the pro-

ceedings in all cases by an action in the court of law before the bill in equity was put upon the file. The Court may now itself determine the legal title for the purpose of the equitable relief sought. Under the former practice the Court would always send the question to law, if the case, from its difficulty or importance, was such as to require it. The case of *The Manchester, Sheffield, and Lincolnshire Railway Company v. The Great Northern Railway Company* (9 Hare, 284) was a case of that kind. There a railway company having acquired a legal right to and possession of land, and constructed their railway over the same, under the provisions of their act, another railway company, to whom the Legislature had given power to purchase the same land for the purpose of their undertaking, was restrained by injunction from exercising such power, pending the trial of the legal question of the effect of such conflicting powers.

"The Vice-Chancellor Turner, before whom the question arose, in giving judgment on the motion for the injunction, made these observations:—"It has hardly been denied, in the argument of this case, that where a railway company is about to take lands not authorised to be taken under the summary powers given to them by the Legislature, the case is a proper one for the interference of this Court by injunction. It has been said, however, that the injunction asked for by this motion ought not to be granted, on several grounds. As to the first point, that the plaintiffs have taken their powers subject to the previously-acquired right of the defendants, the question is purely legal. It is a question of great importance to the parties, and not free from difficulty; the question, too, is drawn into equity only by the necessity of interference to preserve the legal right; and it is a case on which I do not hesitate to desire the opinion of a Court of law, more especially

\* The New Practice of the Court of Chancery, &c. By F. S. Williams, Esq., Barrister. [Sweet, 1854.]

as what has happened here may have happened in other cases. The rights of other parties may be affected by the decision, and the case appears to involve a general question of law of no little consequence, viz. what is the effect of two acts of Parliament relating to a special subject, and conferring the same right on different parties?' The last observation of the learned judge referred to a provision in the respective companies' acts, conferring on the two different companies the right of purchasing, according to the provisions of the Lands Clauses Consolidation Act, the same identical plot of ground.

"In the case of *Falkner v. Grace* (9 Hare, 280) some useful observations were made by the Vice-Chancellor Turner with reference to the class of questions on which it would have been proper for the Court of Chancery, under the old practice, to send cases for the opinion of Courts of common law, or to seek the assistance of the judge of such courts, by virtue of stats. 13 & 14 Vict. c. 35, s. 14, and 14 & 15 Vict. c. 83, s. 8, or otherwise; and the same rules would probably, in some measure, guide the discretion of the Court as to the course to be taken in such cases under the present practice. In the case above referred to, his Honor said—'This does not appear to me to be a case which this Court should send for the opinion of a Court of law. In my opinion it is desirable for this Court to avoid, as far as possible, sending cases for the opinion of another Court. I think the aid of a Court of law, or the assistance of the judges of that Court, may be properly resorted to in cases where the question is one of importance to the general law of the country, or where the decision may have an extensive operation in a public point of view; but my opinion is, that this Court ought not to require the assistance of another Court on questions which turn merely on the construction of particular instruments.' The practice is now, since the late act, in cases of difficulty and importance, for the Court of equity to avail itself of the assistance of one of the common-law judges, instead of sending the question for the decision of a Court of common law." (Pp. 290 et seq.)

The learned author, in the foregoing passage, states very correctly what is the practice authorised by the act, and what, in our humble opinion, it would be very convenient to find the practice adopted actually by the Court of Chancery; but hitherto we do not think the Court has very willingly or liberally acted upon the powers given to it in that respect by the Legislature. Many cases have been before the different branches of the Court of Chancery, which, if the power is ever to be exercised, were cases for the exercise of it. We do not mean, of course, that it was, or ever is, under the act, compulsory on the equity judge to decide the question of law; but that the cases, at the argument of many of which we have been present, were cases in which it would have been quite within the power of the Court, and greatly to the convenience and saving of pocket of the suitor, to pronounce at once an opinion on the legal question. In one case, of which we have personal knowledge, the whole question was, whether a particular combination of known manufacturing processes, was the subject of a patent. The case came before the Court, as such cases usually do, on a motion for an injunction. All the facts were admitted. The plaintiff admitted that his patent rested on the special combination, used in the particular way described, and had no other foundation. The defendant admitted that he had made use of that particular combination in that particular way; so that there really was nothing in dispute except the dry legal question, was that particular combination of old things, used in that particular way, an invention within the meaning of the patent laws? Nevertheless the judge, though pressed to decide, and though by no means an habitually timid judge, refused to do more than follow Lord

Cottenham's practice, of letting the plaintiff try his right at law.

It is true, there are some difficulties attending any general use of the 62nd section of the Chancery Procedure Act, which the Legislature, more suo, appear not to have thought of. The act, no doubt, was intended to apply to just the sort of case we have alluded to, viz. cases where, on a motion for interlocutory relief, the giving or withholding that relief depends on the legal right. Then the act says the Court may *determine* the legal title; so that, if the Court acts under the section at all, it *determines*; and its decision would be binding, unless overturned by a higher authority. Now, every one knows, that even on a mere matter of law, cases are not prepared, nor presented to the Court, nor argued on motions for injunctions, and the like, as they are at the trial of a cause; and hence judges are very unwilling to make a binding determination of legal right, in a proceeding wanting the solemnity and deliberation of the hearing of a cause. Thus the judges are between two difficulties. They must either abandon the 62nd section of the statute practically, because they can never use it except when they scarcely deem it prudent or just to use it; or they must run the risk of making binding declarations of title, in proceedings not originally framed, and not habitually conducted, with such an end in view. A remedy for this, it is not very difficult to imagine; but it is not either our present business, or consistent with our present inclination, to suggest any.

#### THE STATUTE-LAW COMMISSION.

We continue our extracts from Mr. Coode's papers:—

"(107). The result is, that all transitory matter should be kept asunder from all permanent, and each enacted in separate acts, which would thus, as regards the transitory provisions, be published and republished only so long as the transitory operation continued. This would clear a consolidated law:—

##### "1. Of all retro-active enactments:

Repeals;  
Nullifications;  
Confirmations;  
Ratifications.

##### "2. Of all occasional enactments—that is, of such wherein the force of the law is spent on one defined occasion:

Protections for life or other periods of vested interests affected by permanent changes;  
Compensations to individuals for life or lives for meritorious services;  
Instrumental acts providing the temporary machinery for any permanent result.

##### "3. Of continuance clauses and suspension clauses.

"This simple, and, but for its constant neglect, seemingly obvious plan, of separating transitory from permanent matter, would certainly reduce the amount of statutory matter to be permanently consolidated to very much less than one-tenth of the statute law in force at any one time, and would greatly improve the form of both. Indeed, the transitory, especially the instrumental part of our law, is susceptible of great and systematic improvement, which it would probably receive very rapidly, if it were, in the way proposed, kept separate, and thus became the subject of a more definite and distinct consideration, and of a more perfect division of labour. However, whether improved or not, it is a matter, cumbrous and troublesome as it is, of the utmost insignificance, in comparison with the small but substantial and invaluable matter of our permanent law.

"(108). It is scarcely within the scope of these

pers or of our commission to consider in great detail the subject of transitory instrumental provisions; but a remark is important. It is, that these being required very frequently, in almost identical terms, for particular occasions, they appear incessantly repeated in the statute-book. In this they are unlike the general permanent law, with which this commission has to deal, which rarely, if ever, affords a just occasion for two enactments in the same terms. It results from this fact, that this transitory instrumental law, especially as regards private acts, is very conveniently dealt with by means of such forms as those known as 'the Consolidated Clauses Acts,' and are capable of great practical and formal improvement in that way, and of great benefit, by the extension of jurisprudential and judicial results to all the many similar cases connected by means of one and the same identical form.

"(109). Leaving, however, these transitory matters aside, to participate, it may be, in the benefit of any improvement to be effected in the expression and form and operation of the permanent law, and confining our expressions henceforth to the latter, it is to be observed, that all the principles of arrangement and expression propounded in relation to the digestion of the law (48—93) will apply to the original expression of that which it may be determined to consolidate, and that when the requisite selection of matter to be consolidated has been made by the use of that more practical and political judgment required for its safe performance, (98, 99), the ministerial duty of arranging and expressing the matter falls again upon the compiler, and he who has prepared the digest from the old law will equally well or equally ill prepare a consolidation from that digest, and from his practical instructions. As to so much of the old law as is to be retained and re-enacted unchanged, its expression in the digest will be its expression in the consolidated law, and it will only be the new matter which will involve a new labour to the draftsman.

"(110). As no consolidation will ever be final while men's circumstances change—as it is most important, even for the retention of what is best, to facilitate its adaptation to the change of views of those who are to use it—and as the best is subjected to danger by indissoluble connexion with what is bad—it is most desirable, in every point of view, that consolidation should be so effected as to be most easily susceptible of every change which the Legislature may from time to time desire to effect; that it should not be an obstacle, as solemn codes have often been, to the infusion of better principles or more convenient practices; but that, on the contrary, it should, if possible, be made a positive facilitation to every act of subsequent legislation.

"Nothing would more facilitate the minutest amendments of a law than its original expression in the minutest possible articles; for a minute change would disturb but a minute article, not dislocate a system; a larger change would be more likely to correspond definitely with a definite number of such articles, and their amendment or excision would take place with a certainty and accuracy of effect in proportion to their original logical minuteness of subdivision.

"It is scarcely a less recommendation of a minute division of the law by articles, that it would compulse the draftsman into both condensed and lucid expression; and, as *quicquid melius spectatur in minimis*, the difficulty of reading and understanding the law, even by the learned, but most of all by the unlearned, would in a connected order be reduced nearly in the proportion of the succinctness of the individual articles.

"(111). It is not forgotten, that the present mode of passing bills in Parliament is unfavourable to this suggestion, if the numbered articles are to be passed into law as if they were distinct clauses; but even supposing that they must be so passed, and that the form would

cause an increase of trouble and delay in the passing of the law, the objection would scarcely be admissible, inasmuch as the law is not to be accommodated to Parliament—the instrument of its preparation, but Parliament to the law, for the sake of which it alone exists. But it is submitted that the objection does not exist, or is easily removable; for nothing would be easier than to treat as one clause any number of articles connected by one common consideration and heading, as a section, chapter, or otherwise. The mode of subdividing acts of Parliament, recommended some years since by Mr. Symonds, and since frequently adopted in consolidated and other acts, forms a perfect precedent for general practice in this respect.

"(112). But although it is very useful thus to subdivide an act into minute articles, it is on the other hand most pernicious to subdivide and disperse the parts of one subject in different acts. Nothing contributes so effectually to the due composition of all its parts, as the presence to the mind of the legislator and the draftsman of the whole of the connected matter. Nothing conduces in an equal degree to simplicity and clearness and compactness as the consideration and expression at the same time of all that is substantially, incidentally, or logically connected. No one thing—perhaps not all influences together—has produced so much confusion in the law as the practice of scattered legislation, of references, adoptions, and their consequences, citations, preambles, non obstante clauses, and the like incumbrances.

"It is of the first importance to simple, clear, and effective consolidation, that all that is incidental to any one subject be included in one act. In the general and permanent law no just occasion exists for two identical provisions; no just occasion for an adoption by reference; no admissible use of such forms as 'the Consolidated Clauses Acts,' applicable to transitory and private and local legislation. The rule for effectual consolidation is to disregard any temptation to shorten any act by the device of reference or adoption—to include in each act frankly all that is logically part of its subject; in short, in each act to include one subject, the whole of that subject, and nothing but that subject.

"(113). Because of the necessity for a practical determination of the matter to be consolidated, in which a discretion must be used beyond that of the mere compiler or draftsman, I have, being unassisted by the requisite instructions, abstained from preparing an appendix to this paper, to exhibit the effect of consolidation upon the vast mass of incongruous matter contained in the digest of the poor law appended to Paper II. Such a consolidation, framed by myself, without official authority, would be an unauthorised and almost impertinent suggestion of great changes, which, if to be propounded at all, it is incumbent upon those to propound who are most responsible for the administration and sustained efficiency of that law.

"But I may, perhaps, be permitted to say, after many years' experience and practice in analogous operations, that I am confident that the most efficient consolidation of that mass of law would not exceed in quantity of matter one-twentieth part of the mass of the digest of poor laws, and that it would incomparably surpass that matter in clearness and completeness of expression.

"(114). Nor is it by any means necessary that subjects so comprehensive, and involving so considerable an exertion of practical and political discretion, should be chosen for the subjects of consolidation: not only does a comprehensive subject involve a larger amount of labour and a greater exertion of ability in its digestion, but it necessarily includes more subjects which will give occasion to parliamentary and other discussion, and so in both ways retard the progress of the process.

"It is no doubt greatly conducive to logical consi-



tency to take into view, and subject to one treatment, the largest possible aggregate of analogous or connected subjects; but logical consistency, however desirable, is not a prime object of legislation, and is obtained too dearly when practical, specific, individual adaptation of the law to the circumstances—when particular fitness—is sacrificed to formal simplicity. It is neither desirable, nor, if it were desirable, would men be prepared to submit to it, that the law should be systematised by any artificial or logical process, or by any other than that natural organic process by which men discover, apply, and assimilate the legal provisions most fit for each case, in which process they are incessantly developing the application of every useful rule to all the variety of cases to which it may be practically applicable. It is this inductive development of practical good sense, always, consciously or unconsciously, consistent with real practical logic, and the only true method available, consistently with a due regard to all material interests, that generates and develops, by a process more sure and true than any speculative logic, the greatest amount and unity of system of which this multiform and versatile subject-matter is susceptible. It is to this natural growth and development of the law that the consolidator is to afford his services; he is not to cramp the growth of practical intelligence by his formal and systematic preconceptions; he is to afford on every occasion his assistance in bringing together, in the simplest form and the simplest possible expression, whatever relates to a given subject in hand, and to apply to it whatever practical processes the Legislature may determine.

"And it matters not at all how small, how limited, these subjects may be. The elements, whatever they be, with which legislation can deal, have, as shewn in the previous paper, a certain indissoluble relation to each other, and one order alone in which they can be logically treated, and this method is as applicable to the smallest fragment of the law, to a single phrase in legislation, as to the entire body of the law. Every separate fragment would have to be treated in the same way; and when any number of fragments, connected by their subject-matter, have been so consolidated at different times and by different hands, their simple re-enactment under one head would be a consolidation of the whole.

"It results that consolidation can be most easily effected, and proceed with most rapid effect, and with the most certain prospect of eventual assimilation and consistency, if it be undertaken in the smallest possible parts.

"And in order not to incur danger of disturbing portions of the law already sufficiently accessible and intelligible, it might be well to make a commencement chiefly on those subjects which, by their acknowledged unsatisfactory state, they most require a systematic and ameliorative treatment. All that is necessary is for those who are engaged in the process to have a common understanding of the nature and practical application of the process.

"(115). Still the work of consolidation would not be done in any case, unless the subject taken in hand were sufficiently distinct and complete of itself, had sufficient unity of character to allow of its being treated as a whole, to allow of the coterminous repeal of the statute law previously occupying the ground which the consolidated law is to occupy, and to dispense absolutely with all citation and reference to other statutory matter. Unless this be done, the multiplicity, cumbrousness, intricacy, and confusion now justly complained of, and which it is the object of consolidation to remove, will only be commenced afresh and perpetuated.

"(116). It is hoped that the preceding remarks will have removed some objections which have been expressed as to the danger to the consistency and opera-

tion of the existing law, which, as is feared, would be involved in the effects of consolidation.

"The first danger apprehended, that of interfering by surprise or mischance with the common law, may be wholly avoided by the instruction to the digester (see Appendix to Paper 2) to adhere to the very terms of the statute law to be consolidated. If this rule be observed, any disparity between the terms of the digest and those of the consolidating act would always display any encroachments or contractions in the latter, and indicate the extent to which the field of the common law is invaded or enlarged by its operation.

"Indeed, the more probable operation of the process of consolidation would, inasmuch as it would chiefly tend to remove a vast mass of anomalous, heterogeneous encroachments of the statute law made in various times on the common law, and still, by their position in the statute book, blockading and preventing the development of the common law—the operation would, I say, tend rather to enlarge and disencumber the field of the common law than to encroach upon it.

"(117). But another objection felt is, that by consolidation we might lose the advantage of those beneficial interpretations and applications which the Courts of law have put from time to time on the existing statute law.

"It is wholly a matter of choice, which may be adopted or rejected, whether a consolidation shall operate so or not. If the Legislature please to retain the exact combined effect of an old statute, and its existing interpretations, there is nothing more to be done than to re-enact the operative parts in *ipsisimis verbis* of the old statute, and all the interpretation which has hitherto been made or would in the course of time have been made on the old statute will, *ipso facto*, as to the past interpretation, apply to those words in the re-enactment, and the prospective interpretation, by all analogy, upon the same data, would itself be the same.

"(118). It is true, however, that a large quantity of judicial decision upon the statutes, made merely to remove the conflict of parts, would become useless, and very beneficially become useless, so soon as those conflicting parts by consolidation were made consistent.

"And all that mass of construction which has turned upon the question, whether and how far a later enactment controls, enlarges, limits, or supersedes an earlier one, would also undoubtedly become useless so soon as the existing effect of the later and the earlier were brought into synchronous operation in one act.

"And so of all those constructions as to the question, whether two or more enactments be co-ordinate, or one subordinate to another, which would become useless and inoperative so soon as the relation of generality or speciality was shewn by the places occupied by the respective provisions in one consolidated enactment.

"As to all this mass of judicial construction, it is not law, it is one almost unmitigated evil, only rendered necessary and endurable by the fear of one still greater. It is but the cobbling of statutory provisions not originally made to fit their subject-matter, and not made so as to hold together, and few happier results would flow from consolidation than such a consistent reformation of any part of the law as would at once abolish all the constructions that have ever been applied to it, and all future construction other than the plain reading of consistent terms. This is a result too perfect to be hoped for, but an approach to it in any degree is not to be held forth as a subject of alarm to us."

We give the whole of the fourth paper, "On subsequent Legislation, with a View to preserve the Order and Consistency of the Law after Consolidation." Sect. 123 contains a suggestion of great practical importance, which may be acted upon even if the scheme of a general consolidation of the statute law is abandoned.

**IV.—ON SUBSEQUENT LEGISLATION, WITH A VIEW TO PRESERVE THE ORDER AND CONSISTENCY OF THE LAW AFTER CONSOLIDATION.**

"(119). Consolidation would be a serious evil if its operation were to diminish in any degree the plastic quality of the law under the hand of the Legislature. Permanency of institution is desirable only in proportion as the institution is in use found beneficial. It is an effect to be secured, not by impediment or obstruction, but by the approval and the free choice of the community. Consolidation is not desirable in the state of English society to give stability to the law. It is desirable as a stage in amendment, and as a facilitation of all future amendment. The present cumbersome and confused state of the law is the greatest impediment to amendment, and if permanency alone were the thing desired, it could by no means be more certainly secured than by keeping the law in its present state of intractable disorder.

"Doubtless, by consolidation is meant a considerable step in itself in the way of improvement, of improved form, of improved expression, and of improved operation; but it would be the height of presumption to suppose that we are entitled at this time to invest the law with fixed form, or that we are capable of achieving it; and, however good the form in which we could now mould it, that form would be too dearly purchased by the surrender of the present unlimited liberty of change. Power to move, though in confusion, is preferable to a cataleptic stability in the most admired position.

"It is true that there have been and are still many communities in such a political or social state as to derive great benefit from a fixed form of law, and the more in the proportion to its unalterable character. In a state of barbarism or anarchy, where the people are incapable of intelligent legislation, an immutable and simple code has often proved a means of elevation and civilisation to the community. In a despotism it is a great protection to have a law 'that changes not' at the caprice of a despot, and may serve as some barrier to his excesses; but amongst free, intelligent, civilising men the law that does not keep progress with their intelligence, and bear accommodation to their changing wants, is, in proportion to its rigidity, a tyranny.

"Consolidation of the law of England, then, is inadmissible but on conditions consistent with the utmost liberty of alteration.

"(120). It is assumed in the following observations that consolidation of the law is to be attempted; and the purpose of these remarks is to consider how we may retain with certainty the whole of the benefit involved in consolidation, and still at the same time realise the utmost liberty, latitude, and facility of amendment at the changing pleasure of the Legislature.

"For there is an equal necessity of considering the subject in both these points of view. When once a body of law is well constructed, there is a reluctance to disturb it; to introduce confusion into its order, and involvement into its expression. On the other hand, there is a still stronger tendency, as is shewn in the history of all our partial consolidations, to dissoluate the law by amendments, and to create anew the confusion and disorder to escape from which was the object of the consolidation.

"(121). The course which will be here recommended is one which has a more general application, applying with as much effect to all amendments of the law at all times as to those which are to be undertaken after consolidation. It is simply this:—

"1. NEVER TO AMEND THE LAW BY DISTINCT AND ISOLATED AMENDMENTS,—

"—BUT ALWAYS TO RE-ENACT WHATEVER LAW IS TO

BE AMENDED WITH THE AMENDMENTS INCLUDED IN THEIR PROPER PLACE IN THAT LAW.

"II. IN EVERY SUCH CASE OF RE-ENACTMENT, TO REPEAL BY EXPLICIT REFERENCE SO MUCH OF THE PREVIOUS LAW AS IS THUS RE-ENACTED (101, 102).

"III. TO KEEP IN DISTINCT CLAUSES (103-107).

—'THE PERMANENT MATTER,'

—'THE TRANSITORY MATTER,' AND

—'THE REPEALS,'

—'AND AT THE LAST STAGE OF THE BILL PRECEDING THE ROYAL ASSENT TO DIVIDE THE BILL, IF IT CONTAIN MORE THAN ONE OF THESE KINDS OF MATTER, INTO AS MANY PARTS, TO BE PASSED AS SO MANY DISTINCT ACTS.

"(122). It is by distinct amendments, insulated from previous amendments and from the original law, that we have arrived at the present confusion. It is manifest, that if the first rule here recommended had been always observed, we could never have had two statutes in force at one time upon the same matter.

"It is almost equally certain, that if every amendment were required to be interpolated into and assimilated with the matter it affects to amend, both must be made to have at least an apparent congruity. Incompatibility within the limits of the bill would be too striking to pass unchallenged, and correct legal composition, as to order and matter, and agreement of expression, would be to a great extent secured.

"It may be objected,—that this re-enactment of the old and settled law would expose it more frequently than now to discussion and unsettlement. To this it is answered, that any immunity of the law from unsettlement which depends upon its being protected from discussion is immunity held by concealment, and that a law which will not bear discussion is scarcely entitled to be secure from change. But the assumption itself is false, that the original law would be placed in jeopardy the more by being reproduced on every occasion of amendment, for it is incomparably more easy to effect changes intentional and unintentional under the name of amendments in a law which is not produced than in one that is fully displayed. It is submitted, that amendments, which under such a rule must manifestly appear to be consistent with the law, would rather tend to establish and confirm what is useful in the law than to unsettle it.

"The second rule,—that all the law thus amended should be explicitly repealed,—tends the same way, to concentrate the responsibility for the amendment, by making the real extent of the operation manifest; but it has the further effect sought by all attempts at consolidation, of preventing the accumulation of incongruous laws of different ages.

"An immediate effect of the observance of these two rules would be to get rid also of recitals, and references to co-existent laws.

"The purpose and effect of the third rule has been described in the preceding paper, (103-107). It would keep the permanent substantive matter unincumbered by transitory and effete matter so long as it remained in operation. The transitory matter, in an act by itself, would expire when its temporary purpose was effected, and would disappear from the statute book. The repealing act, like the laws it repealed, would no more obtrude itself upon attention.

(To be continued).

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed John Brown Twist, of Coventry, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Warwick.

## PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Educational Term by the several Readers appointed by the Inns of Court.*

## CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History, in the ensuing Educational Term, will comprise the following subjects:—

Municipal Institutions of Rome; their Influence on the Social State of Europe after the Downfall of the Roman Empire—Rise of the Feudal System; its peculiar Character—Causes of its Decay in England—Consequences of its Decay—Rise of the Middle Class—Increased Weight of the House of Commons—Management of Elizabeth—Collisions between the Crown and the House of Commons after her Death—Conduct of the Clergy—Illegal Proclamations—Arbitrary Proceedings in the Star Chamber—Monopolies—Impeachments—Negotiations with France and Spain.

In his Private Lectures the Reader will fill up the outline of his Public Course. He will also trace, if he has the opportunity, the History of the Law of Inheritance, Marriage, and Domicile, beginning with the Roman Law, and ending with our own. He will endeavour to illustrate these subjects by references to Grotius and to Sudrey, as well as to the Canon Law.

*Books:*—Millar. Const. Hist.—Hallam. Const. Hist.—Creasy on the English Constitution—Blackstone, vols. 1 and 4—Rapin, from Henry VII to the Rebellion—May—Clarendon—Savigny, Geschichte, &c., vol. 1—Loth. de re Municip.—State Trials—Statute Book—Montesquieu. Esprit des Loix—Parliamentary History. The Reader on Constitutional Law and Legal History will deliver his Public Lectures at Lincoln's Inn Hall on Wednesday in each week, (the first Lecture to be delivered on the 18th January), commencing at two p.m. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday morning in each week, from half-past nine to half-past eleven o'clock, in the Benchers' Reading Room, at Lincoln's Inn Hall.

## EQUITY.

The Reader on Equity proposes to give during the ensuing Educational Term a course of Nine Public Lectures on the Relief afforded by the Court of Chancery, which depends upon Principles not recognised or applied by Courts of Common Law.

## I. In Matters of Trust:

1. On the Creation of Trusts.
2. On the Relation between Trustee and Cestui que Trust.
3. On the Qualities of Trust Estates in general.
4. On Trusts for the Benefit of Married Women.
5. On Trusts for Charities.

## II. In respect of Penalties and Forfeitures:

1. The General Doctrine of Equity on this Subject.
2. Application of the Doctrine to Mortgages.

## III. In Cases of Mistake and Accident:

1. In Matters of Agreement.
2. In the Execution of Powers.
3. In other Instances.

In addition to the Public Lectures, it is proposed that two Classes shall be formed, as during the preceding Terms, for the study of the Principles and Practice adopted by Courts of Equity, each Class to meet for one hour three times a week. The Junior Class will read Smith's Manual of Equity Jurisprudence, commencing with the chapter on Express Charitable Trusts; Portions of Fonblanque on Equity; and the Act for the Improvement of the Practice and Course of

Proceeding in Chancery, 15 & 16 Vict. c. 86. The Senior Class will read Story's Commentaries on Equity Jurisprudence, vol. 2, commencing with the chapter on Assignments; White & Tudor's Leading Cases, vol. 2, commencing with *Woolam v. Hearn*; and Mitford's Pleadings in Chancery, commencing with the chapter on Demurrers, at the second ground of demurrer. Each student will be expected, in the intervals between the meetings of the class, to peruse portions of these and other works pointed out by the Reader, and to be prepared, at the ensuing meeting of the class, to answer and discuss questions arising out of the subjects of their reading.

The Reader on Equity will deliver his Public Lectures at Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock p.m., (the first Lecture to be delivered on the 19th January). The Reader will receive his Private Classes on Monday, Wednesday, and Friday evenings in each week, from seven to nine o'clock, in the Benchers' Reading Room at Lincoln's Inn Hall.

## LAW OF REAL PROPERTY, &amp;c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Nine Public Lectures on the Construction of Deeds and Wills.

I. The Construction of Words in a Will importing an Indefinite Failure of Issue; 1 Vict. c. 26. s. 29.

II. The Estate taken by Trustees under a Devise; sect. 30, 31.

III. The Doctrine of Lapse; sect. 32, 33.

IV. The General Rules of Construction applicable to Deeds and Wills:—Estates by Implication—Cross Remainders—Doctrine of Cy-Près—Rule in Shelley's Case—Effect of Recitals—Conditions—Mistake—False Demonstratio non nocet—Verbal Alterations and Transpositions—Influence of Intention.

V. The Admissibility of Extrinsic Evidence, with Reference to:—"The Subject and Object of Disposition"—Cumulative and Substitutional Legacies—Double Portions—Satisfaction—Resulting Trusts.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class, the text of Sugden on Powers will form the basis of the Lectures; and the latest Decisions, illustrating the principles there laid down, will be examined and commented on. With the Junior Class, the subject of the Lectures will be Uses and Trusts, and the textbook, 1 Cruise. Dig., tit. xi, xii.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two p.m., (the first Lecture to be delivered on the 20th January). The Private Classes will be held in the North Library of Gray's Inn every Monday, Wednesday, and Friday morning, from a quarter to twelve to a quarter to two o'clock.

## JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law will, in the course of the ensuing Educational Term, deliver Nine Public Lectures on the following subjects:—

I. On the Order and Connexion of the Departments of Law, and on the Systems of Classification adopted by certain Modern Jurists.

II. On Status—On the Definition and Forms of Status—On some Peculiarities in the Condition of early Societies, and the durable effects which they have produced on Ancient and Modern Jurisprudence—On the Theory of Social Progress originated by G. B. Vico, and on the Evidence for and against it afforded by the History of the Roman Law of Persons—On the Connexion of the Roman Law of Persons with the Political Organisation of the Roman State, and on the Historical Character of the Distinction between Private and Public Law—On the Power of the Father, and on the Tutelage

age of Women and Pupils—On the Agencies by which the Roman Law of Persons was progressively modified; on the Prætorian Equity, and the principles descended from it to Modern Jurisprudence.

III. On the Provinces of International Law materially affected by Roman Jurisprudence—On Territorial Sovereignty, its Nature, Limits, and Criteria—On Paramount and Absolute Domain—On the Rights accruing to Nations through First Discovery and First Occupation—On the *Mare Clausum* and *Mare Liberum*, and on some Disputed Questions connected with the former Topic—On Rights of River Navigation—On Maritime and Military Capture, and on the Attempts made in the last Century to modify the Law of War, particularly by Catherine II of Russia—On Prisoners of War, Booty, Prize, and Postliminy—On the Rights of Neutrals, and the Mode in which they are enforced and protected.

IV. On Obligation and Contract—On the Roman Theory of Obligation, and on the mode in which it has been interpreted by Pothier and others—On the Necessary Elements of Contract, and on the manner in which they are discriminated by the Roman Jurists—On Solicitations and Pacts—On the Classification of Contracts.

With his Private Classes, the Reader will proceed regularly through the principal heads of Roman Law, following the order of topics observed in the Institutional Treatise of Gaius, and commencing with the subject of Testamentary Inheritance. The modern commentaries principally employed will be the *Institutiones* and *Commentarii Juris Romani Privati* of Warnkönig, the *Pandekten* of Puchta, and the *Institutes Nouvellement Expliquées* of Ducaurroy.

The following works will also be incidentally referred to at the Public or Private Lectures, and portions of them recommended for perusal:—Dumont's *Bentham*—Austin's *Province of Jurisprudence Determined*—The *Esprit des Lois*—The *Droit Civil* of Toullier—The *Doctrina Juris Philosophica* of Warnkönig—The *Histoire du Droit* of Lermier—The *Innere Geschichte* des Römischen Rechts, and the *Aeusere Geschichte* des R. R. of Tigerström—The *Explication Historique* des *Instituts* of Ortolan—Wheaton's *Elements of International Law*—The *Droit International Privé* of Fœlix—and Story's *Conflict of Laws*.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two P. M., (the first Lecture of the course on Tuesday, the 24th January).

After the 18th proximo, the Private Classes will assemble at the Class-room in Garden-court, on every Monday, Wednesday, and Friday during the Educational Term, at half-past nine A. M.

#### COMMON LAW.

The Reader on Common Law proposes to deliver during the Educational Term, commencing on the 11th January, 1854, a course of Nine Public Lectures on Practice, Pleading, and the Law of Torts. The subjects to be discussed in these Lectures will be as under:—

Lectures I and II.—In these Lectures will be exhibited a concise view of the Proceedings in an Action at Law, from the issuing of the Writ of Summons down to final Judgment and Execution thereupon.

Lectures III and IV.—The Principles of Pleading considered; with some remarks upon the Evidence necessary to support particular Pleas; and an inquiry respecting the alterations in the Science of Pleading effected by the Common-law Procedure Act, and by the Pleading Rules of Trinity Term, 1853.

Lectures V and VI.—The Fundamental Principles of the Law of Torts, or Wrongs independent of Contract, examined and contrasted with those leading Rules by which the Law of Contracts is governed.

Lecture VII.—Specification of the various Forms of Action *ex Delicto*—Inquiry how far the Forms of Action have been affected by recent changes.

Lecture VIII.—The Actions of Trespass, Trover, and on the Case considered, with reference more especially to the classes of facts out of which they ordinarily originate.

Lecture IX.—Ejectment, for what it lies—The Mode of Procedure in this Action.

With his Private Class the Reader proposes to follow out in detail the course of inquiry indicated by the above Prospectus. He will examine the various steps in an Action at Law, the Rules of Pleading, and the Nature of Remedies *ex Delicto*, shewing under what circumstances those Remedies are respectively available. The books to be used with the Private Class will be the following:—The Common-law Procedure Act, (ed. by Holland); Stephen on Pleading; Selwyn's *Nisi Prius*, and Smith's *Leading Cases*.

The Public Lectures on Common Law during the ensuing Term will be delivered, and the Private Classes will meet, in the Hall of the Inner Temple, as under:—

The Public Lecture on Monday in each week at two P. M.; the first Lecture to be delivered on Monday, the 23rd January.

The Private Class on Tuesday, Thursday, and Saturday in each week, from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,

(Signed) RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn,  
Dec. 21, 1853.

*Notes.*—The several Readers will receive their respective Classes on the appointed days, commencing on Wednesday, the 18th January.

### Court Papers.

#### COMMON-LAW SITTINGS, IN AND AFTER HILARY TERM, 1854.

##### Court of Queen's Bench.

###### In Term.

MIDDLESEX.	LONDON.
1st sitting .. Friday .. Jan. 13	1st sitting .. Tuesday, Jan. 17
2nd sitting .. Friday .. 20	2nd sitting .. Tuesday .... 24
3rd sitting .. Thursday ... 26	
For undefended causes only.	

###### After Term.

Wednesday ..... Feb. 1 | Wednesday ..... Feb. 15

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

##### Court of Common Pleas.

###### In Term.

MIDDLESEX.	LONDON.
Friday ..... Jan. 13	Tuesday ..... Jan. 17
Friday ..... 20	Tuesday ..... 24

###### After Term.

Wednesday ..... Feb. 1 | Wednesday ..... Feb. 15

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Sychequer of Pleas.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Thursday, Jan. 12	1st sitting, Tuesday.. Jan. 17
2nd sitting, Thursday .... 19	2nd sitting, Tuesday ..... 24
3rd sitting, Thursday .... 26	

After Term.

Wednesday ..... Feb. 1 | Wednesday ..... Feb. 15

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

The Court will sit during and after term at ten o'clock.

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

George Capes, 1, Field-court, Gray's-inn, to be a London Commissioner.  
 Thomas Parker, 18, St. Paul's-churchyard, to be a London Commissioner.  
 Henry Syme Redpath, 9, Old Jewry-chambers, to be a London Commissioner.  
 John Thomas Church, 9, Bedford-row, to be a London Commissioner.  
 John Griffiths Reynell, 10, Staple-inn, to be a London Commissioner.  
 Joseph Bebb, 12, Argyll-street, Regent-street, to be a London Commissioner.  
 Henry Weeks, 12, Cook's-court, Lincoln's-inn, to be a London Commissioner.  
 Chas. Ball, Chester, to be a Commissioner in England.

William Shaen, of No. 8, Bedford-row, London, solicitor, has been appointed a Commissioner for taking, within the United Kingdom of Great Britain and Ireland, affidavits to be used in the Supreme Court of the Colony of Victoria.

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\* \* \* Orders for THE JURIST given to any Newsmen, or letter (post-paid) sent to the Office, No. 3, CHANCERY-LANE, or to STEVENS & NORTON, 26, BELL-YARD, LINCOLN'S-INN, will insure its punctual delivery in London, or its being forwarded on the evening of publication, through the medium of the Post Office, to the Country.

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# The Jurist

No. 886\*—VOL. XVII. DECEMBER 31, 1853. Supplemental Number.

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## REGULÆ GENERALES.

Orders for regulating Proceedings by and before the Judges of County Courts, under the Charitable Trusts Act, 1853, and for fixing and determining the Fees to be taken in respect of such Proceedings, made by the Right Hon. ROBERT MONSEY BARON CRANWORTH, Lord High Chancellor of Great Britain:—

I. The clerk of every county court shall keep a book, in the form in the schedule hereunto annexed, to be called "The Charitable Trusts Book" in which, a record shall be kept of all proceedings taken in that court in matters of charitable trusts.

II. When any person has obtained the required order or certificate from the Charity Commissioners, and he is desirous of taking proceedings in the county court, he shall produce such order or certificate to the clerk, who shall retain and file the same in numerical order in his office; and the party producing such order or certificate shall be deemed the plaintiff in such proceedings, and the person served with a summons under Order IV shall be deemed the defendant.

III. When the Attorney-General shall propose to take proceedings in the county court, he shall cause to be delivered or transmitted to the clerk a written statement, shewing the nature and object of the proposed proceedings, and the clerk shall retain and file such statement in numerical order in his office; and the Attorney-General shall in such proceedings be deemed the plaintiff, and the person served with a summons under Order IV shall be deemed the defendant.

IV. Upon the production of any order, certificate, or statement hereinbefore mentioned, the clerk shall, at the instance of the plaintiff, prepare a summons thereon, in the form set forth in the schedule hereunto annexed, in which shall be stated the substance of the order, certificate, or statement, and he shall make as many copies thereof as there are parties required by the plaintiff to be summoned, and two additional copies, the one to be filed in the clerk's office, and the other to be transmitted to the Charity Commissioners.

V. The clerk, if required by the plaintiff, shall prepare a notice to attend proceedings, in the form set forth in the said schedule, to be served on any persons indicated by the plaintiff, besides those summoned under the last preceding Order, and the said clerk shall make as many copies thereof as there are persons to whom

such notice is to be given, and two additional copies, one to be filed in his office, and the other to be transmitted to the Charity Commissioners.

VI. The clerk shall forthwith transmit, by prepaid post letter, a copy of the summons to each of the parties required to appear, and a copy of the notice to attend proceedings to each of the persons indicated by the plaintiff, and such transmission shall be sufficient service, unless the judge shall otherwise direct.

VII. Where the plaintiff does not require any summons or notice to attend proceedings to be issued, the clerk shall prepare a notice of hearing, in the form set forth in the said schedule, and two additional copies thereof, one to be filed in his office, and the other to be transmitted to the Charity Commissioners, and shall either deliver such notice to the plaintiff, or cause it to be served on him by prepaid post letter, unless the judge shall otherwise direct.

VIII. In all cases it shall be competent for the clerk, if required by the plaintiff, to summon some persons, and to serve others with either or both of the said notices, or to serve a notice of hearing on the plaintiff, and a notice to attend proceedings on any other person.

IX. In all cases it shall be competent for the judge to direct what persons, or additional persons, shall be served with a summons or notice to attend proceedings or notice of hearing.

X. Upon the requisition of the Charity Commissioners, a copy of the judge's note of the evidence taken at the hearing, or such part thereof as may be required by the commissioners, shall be transmitted by the judge to them at their office by post or otherwise.

XI. Upon the requisition of the Attorney-General, in proceedings instituted by him, a copy of the judge's note of the evidence taken at the hearing, or such part thereof as may be required by the Attorney-General, shall be transmitted to him by post or otherwise.

XII. A copy of the summons, notice to attend proceedings, notice to appear, together with a copy of the order made by the Court, shall in all cases be transmitted by the clerk, forthwith after the hearing, by post or otherwise, as the judge shall direct, to the office of the commissioners.

XIII. Where the annual income of the charity exceeds 10*l.* the court fees shall be payable as in cases within the ordinary jurisdiction of the Court, without prejudice to the privilege of the Attorney-General as to

costs, and the charitable funds may be made liable to the payment thereof, at the discretion of the judge.

XIV. Where the annual income of the charity does not exceed the sum of 10*l.* no fees of court shall be payable out of the funds of the charity; nor shall any fees be paid by any party to the proceeding, unless the judge shall, in his discretion, order any of the parties to the proceeding before him to pay such fees of court as he shall think fit, without prejudice to the privilege of the Attorney-General as to costs.

XV. Where court fees are payable, they shall be calculated according to the scale of fees applicable to proceedings for the recovery of tenements under the 9 & 10 Vict. c. 95, s. 122, the annual income of the charity, like the annual rent of the tenement, being treated as the basis of calculation.

XVI. The order or certificate of the Commissioners, or statement of the Attorney-General, as to the amount of the annual income, shall be conclusive on the Court.

XVII. The enactments, Secretary of State's orders, practice, and forms in force and used in the county courts shall, subject to the foregoing Orders, be adopted with reference to proceedings in matters of charitable trusts, so far as the same are applicable, *mutatis mutandis*.

XVIII. The above Orders shall be in force until further orders shall be made, under the Charitable Trusts Act, 1853, for regulating proceedings in the county courts relating to charitable trusts.

Dated this 8th day of December, 1853.

CRANWORTH, C.

#### SCHEDULE OF FORMS.

##### Summons.

In the County Court of —, holden at —.  
(Seal).

In the matter of (*title of charity*).  
No. of charity.

(*Name, description, and address of party to be summoned*). You are hereby summoned to appear at a county court, to be holden at —, on the — day of —, 18—, at the hour of — in the forenoon, upon the hearing of an application which has been made to the Court in the matter of the above charity, by which it is suggested (*here state substance of order, certificate, or statement*). And you are informed, that if you do not attend, pursuant to the requisition of this summons, the Court may proceed in the matter in your absence, and make such order as may appear just therein. And you are further informed, that if you do not obey such order, you will be liable to be imprisoned by order of the Court.

A. B.,

Clerk of the Court.

Dated this — day of —, 18—.

##### Notice to attend Proceedings.

In the County Court of —, holden at —.  
(Seal).

In the matter of (*title of charity*).  
No. of charity.

(*Name, description, and address of party to whom notice is to be given*). Take notice, that the hearing of an application in the matter of the above charity, by which it is suggested (*here state substance of order, certificate, or statement*), will take place on the — day of —, 18—, at the above county court.

The object of this notice is, that if you are desirous of attending the said hearing, you are at liberty to do so, and you may be heard in support of any objection you may have to such proceedings in respect of the above charity.

But if you do not attend at the hearing, you will not

be subject to any costs or penalty in respect of such non-attendance.

A. B.,

Clerk of the Court.

Dated this — day of —, 18—.

##### Notice of Hearing.

In the County Court of —, holden at —.  
(Seal).

In the matter of (*title of charity*).  
No. of charity.

(*Name, description, and address of party to whom notice is to be given*). Take notice, that the hearing of the application in the matter of the above charity is appointed to take place at this court on the — day of —, 18—.

A. B.,

Clerk of the Court.

Dated this — day of —, 18—.

##### Form of Record.

ASHLEY, Lady, Charity of, In the Matter of.  
No. 1.

On the — day of —, 18—, an order ("certificate," or "statement," as the case may be) was produced by (*state the party producing or transmitting it*), and the same has been numbered 1, (*or as the case may be, according to the priority of production to the clerk*).

On the — day of —, 18—, a summons, (*or other process, as the case may be*) was issued, and directed to be served by post (*or otherwise, as the case may be*) on (*state the parties*), requiring him ("her" or "them," as the case may be) to appear at this court on the — day of —, 18—.

At a court holden on the — day of —, 18—, appeared (*state parties appearing, or reasons for not appearing, and whether they appeared by counsel or otherwise*). If any adjournment takes place, state the cause thereof, and adjournment, and until when adjourned; then, on the adjournment day, proceed in a similar manner as on the first day of hearing; and the same on every successive adjournment day. When the matter is finally disposed of, then proceed.

The matter having been heard, the Court made the following order—(*Here state the order*). If any other proceedings, whether before or after the final order, are taken in the matter, they must be recorded in a similar manner in their proper places. It will not be necessary to set forth on the record any of the evidence, as that will appear on the judge's notes; but any document produced, or any copy thereof, which the judge requires to be filed, should be filed along with the other papers relating to the matter).

(*When the record of proceedings in any charity occupies more than one page, the record may be continued on the next blank page, and a reference should be made from such previous page to such next page, and from such next page to such previous page. The book in which the record is kept should be paged throughout, and have an alphabetical index at the end. The names of the charities should be arranged in the index alphabetically, and the numbers of the pages in which any proceedings are recorded should be given at the end of the names*).

#### COUNTY COURTS COMMISSION.

We have not time this week to do more than print the following Letter and Questions which have been circulated by order of the County Court Commissioners:—

County Courts Commission,  
1, Parliament-street, Dec. 19, 1853.

Sir,—The Commissioners appointed by her Majesty

\* This should be at the earliest convenient sitting of the Court.



inquire into the state and practice of the County Courts have directed me to forward to you the inclosed questions, and to request that you will, at your earliest convenience, favour them with answers.

The Commissioners will feel obliged by your having goodness to state the facts and reasons on which your answers are founded, in order to enable them to avail themselves in the fullest manner of your suggestions.

The Commissioners further request that you will attribute the inclosed extra copies of the questions to such persons as you think most capable of affording useful information on the matters to which they refer.

The Commissioners will shortly submit to you further questions on the subject of jurisdiction, and other matters within the scope of their commission.

I am, Sir, your obedient servant,  
HENRY NICOL, Secretary.

#### PRACTICE

WITH RESPECT TO WHAT ALTERATIONS MAY ADVANTAGEOUSLY BE MADE IN THE STATUTES AND RULES RELATING TO THE COUNTY COURTS.

##### Local Jurisdiction.

1. Has any inconvenience arisen from the local courts record, like that of York, Southwark, &c., having concurrent jurisdiction with the county court?
2. Would it be convenient that such courts should be abolished?

##### Judge.

3. Has any inconvenience arisen from the qualification of a deputy judge, in point of standing at the Bar, being less than that of a judge?
4. Has any inconvenience arisen from the judge not being empowered to entertain pressing ex-parte applications, though he be not sitting in court at the time, and though he be out of the jurisdiction? (See sect. 105 of stat. 9 & 10 Vict. c. 95).
5. Has any inconvenience arisen from the judge not being empowered to change the venue to an adjoining district, on special grounds—as, for instance, in cases where he is personally interested, or where, a jury being demanded, he has reason to apprehend that a fair trial cannot be had?
6. Would it be convenient, that, in the event of the judge being prevented from holding the court, the chief clerk, deputy or assistant clerk should have power to adjourn the court and the proceedings at his discretion?
7. Would it be convenient that the judge, clerk, or other officer of a county court should be entitled to sue, and be liable to be sued, in any adjoining district?
8. Would it be convenient that the judge should be empowered to suspend or discharge any subordinate clerk of his court who has been guilty of a neglect of duty or other misconduct?
9. Has any inconvenience arisen from the early or late hours at which or to which the court has sat?
10. What, in your opinion, is the earliest or latest hour at which and to which a court should sit?

##### Officers.

11. Has any inconvenience arisen from the circumstance that the subordinate officers of the courts are not bound to find security for the due performance of their duties? (See sect. 36 of stat. 9 & 10 Vict. c. 95).

##### Clerk.

12. Would it be convenient that there should be a resident chief clerk at every court?
13. Would it be convenient in the smaller courts that the offices of chief clerk and high bailiff should be united? (See sect. 28 of stat. 9 & 10 Vict. c. 95).
14. What is the most usual day for entering plaints at your court?
15. Does any and what inconvenience arise from the chief clerk, deputy clerk, assistant clerk, or high bailiff not being empowered to take affidavits with reference

to the business of the court? (See stat. 13 & 14 Vict. c. 61, s. 23).

16. Would it be convenient that all orders of court should be delivered to the bailiff for service before the closing of the clerk's office on the following day?

##### Bailiff.

17. Would it be convenient that the bailiff of a home court should be permitted to serve process in any neighbouring district without the special order of the judge? (See rules 54 and 55, and stat. 9 & 10 Vict. c. 95, s. 61).

18. Does any and what inconvenience arise from the oath of the bailiff being necessary in every case to the service of process?

19. Would it be convenient that the oath should be dispensed with, treating the bailiff's indorsement as *prima facie* proof of the matters there stated, and a false indorsement being made punishable as a misdemeanour?

##### Summons.

20. Would it be convenient to enable the plaintiff to sue in the district in which the defendant has had employment within six months before suit?

21. Would it be convenient to enable a plaintiff to sue a defendant in the district in which any material part of the cause of action arose?

22. Would it be convenient to enable a plaintiff to sue in the district in which a defendant at the time of suit has employment?

23. Would it be convenient to enable the plaintiff to sue in all cases without leave of the court? (See sect. 60 of stat. 9 & 10 Vict. c. 95).

24. Has any inconvenience arisen from the present practice with respect to minors suing and being sued?

25. Has any inconvenience arisen from the practice with respect to successive summonses, under rule 41?

26. Would it be convenient that a summons should be in force for six months, the clerk altering the return day in the event of non-service?

27. Would it be convenient, that, in the event of non-service of a summons, notice by prepaid letter should be sent to the plaintiff, stating to what day the return is altered?

28. Would it be convenient that in claims above 10*l.* the practice of judgments by default should be introduced, if the defendant has been *personally* served, leaving it optional to the plaintiff to proceed in the ordinary way without personal service?

##### Special Defences.

29. Has any inconvenience resulted from the practice with respect to special defences required by sect. 76 of stat. 9 & 10 Vict. c. 95?

30. Would it be convenient that those notices should not be required?

##### Advocates.

31. Would it be convenient that the managing clerk of an attorney should be allowed to appear for a party?

##### Witnesses.

32. Would it be convenient that the county court should be empowered to grant a habeas corpus ad testificandum?

33. Have you found the liability to be fined insufficient to compel the attendance of witnesses; and if so, what other power should be given the court?

##### Evidence.

34. Would it be convenient to introduce into the practice of the county courts the rules established by sects. 117—119 of stat. 15 & 16 Vict. c. 76, with respect to the admission of documents, the proof of such admission, and notices to produce?

##### Jury.

35. Has any inconvenience arisen from jurors being selected by the clerk? If yes, who should select them?

##### Judgments.

36. Would it be convenient that judgments in the

county courts for sums of 10*l.* and upwards should bear interest?

#### *Execution.*

37. Would it be convenient to enable the judge, on the hearing of both parties, to alter any judgment as to the amount of instalment and time of payment, without a previous judgment summons?

38. Would it be convenient that execution against goods in a foreign district should be levied without the seal of the foreign court, and that the process should be issued directly to the bailiff of the foreign court?

39. Would it be convenient that the bailiff should have power to seize land as well as chattels? (See sect. 96 of stat. 9 & 10 Vict. c. 95).

40. Would it be convenient that warrants of execution and warrants of commitment should be in force, at the discretion of the plaintiff, for one year, instead of three months, from their date? (See Common-law Procedure Act, sect. 124, and rules 119 and 131).

41. Would it be convenient to discontinue the practice of appraisal on executions from the county court?

#### *Commitment.*

42. Would it be convenient that a judgment summons should issue in the district in which the original judgment was obtained, as well as in that in which the defendant dwells?

43. Would it be convenient that the judge should be empowered to grant alternative orders on judgment summonses, directing either payment within a specified time, or imprisonment?

44. Would it be convenient that plaintiffs should be at liberty to issue judgment summonses in the county court on judgments obtained in the superior courts for less than 20*l.*, without first taking out plaints on such judgments?

45. Would it be convenient that the non-execution of a warrant of execution, and the non-execution of a warrant of commitment, and the non-service of a judgment summons of commitment, should be communicated by prepaid post letter to the party issuing the process?

46. Is the present mode of enforcing warrants of commitment convenient?

47. Does any inconvenience arise from the practice of not taking a committed defendant to the nearest gaol?

48. Would it be convenient that the cost of conveying a prisoner to gaol should be borne by the court; and if not, have you any proposal for reducing the expense to parties?

49. Are the rules 111 and 112, which deprive the plaintiff of the cost of unexecuted warrants unless the judge shall otherwise direct, inconvenient?

#### *Possession of Tenements.*

50. Would it be convenient that warrants for giving possession of tenements should be in force, at the discretion of the plaintiff, for a longer period than the present practice permits? If yes, what period would you suggest? (See stat. 9 & 10 Vict. c. 95, s. 122, and rule 200).

#### *Fines.*

51. Would it be convenient that the county court should have power to enforce the payment of all penalties, fines, and forfeitures imposed by the court, in the same manner as any judgment for debt or damages? (See sects. 130-133 of stat. 9 & 10 Vict. c. 95).

#### *Appeal.*

52. Would it be convenient that the judge of a county court, against whose decision notice of appeal is given, should be required in all cases to settle the statement of facts on which the appeal proceeds? (See sect. 15 of stat. 13 & 14 Vict. c. 61).

53. Would it be convenient that an appeal should be allowed in any other cases than those provided for by stat. 13 & 14 Vict. c. 61, s. 14?

54. Are you of opinion that in cases where an appeal is allowed, it should be confined to matters of law?

#### *Certiorari.*

55. Is the present system of removal by certiorari convenient in practice?

#### *Suitors' Money.*

56. Would it be convenient to limit the period within which suitors' money may be claimed by them to less than six years? (See sect. 112 of stat. 9 & 10 Vict. c. 95).

#### *General Question.*

57. Can you suggest any amendment, addition, or improvement in the statutes, rules, or forms?

#### QUESTIONS RELATING TO THE FEES LEVIED IN THE COUNTY COURTS.

*Assuming that the amount to be levied by fees can be considerably reduced, what is your opinion on the following points?*

*As to the mode of levying the fees:—*

58. In your judgment can the number of separate fees be advantageously diminished?

59. In your judgment can the fees be advantageously levied by stamps?

60. Would it be expedient to adopt some such system of stamps as the following?

Seven classes of stamps:

1. On copy summons.
2. On judgment by consent.
3. On hearing order.
4. On execution warrant.
5. On judgment summons.
6. On hearing order of judgment summons.
7. On commitment warrant.

Each class to be subdivided into five heads:

1. A stamp for plaints for 2*l.* and under.
2. " " between 2*l.* and 5*l.*
3. " " between 5*l.* and 10*l.*
4. " " between 10*l.* and 20*l.*
5. " " above 20*l.*

61. Is it advisable to keep up the distinction between judge's fees, clerk's fees, bailiff's fees, and the general fund?

62. Is it desirable that the paying in fees and the paying out fees should be abolished?

63. Is it desirable that the fee of 1*s.* 6*d.*, which is levied on entering a special defence, should be abolished?

64. Is it desirable that cases settled before the clerk, by consent, should be subject to the same fees as if they were heard by the judge?

65. Is it desirable that the rule which authorises the highbailiff to charge "a shilling a mile for carrying every delinquent to prison" should be abolished or modified?

66. Is it desirable that the bailiff's mileage fee should be reduced or abolished?

67. Is it desirable that the rule which, on applications to recover possession of tenements, imposes a fee calculated on the yearly value or rent of the premises sought to be recovered, should be modified?

68. In cases of extraordinary jurisdiction given to the court by the consent of parties, under sect. 17 of stat. 13 & 14 Vict. c. 61, is it desirable that the fees should be reduced?

69. Is it desirable that any fee should be charged for subpoenas?

70. Is it desirable that the fee for swearing affidavits, with respect to the business of the county courts, should be abolished?

71. Is it desirable that the fee for adjournment should be abolished?

72. Is it desirable that the fee for applying for a new trial, or to set aside proceedings, should be abolished?

73. Is it desirable that the fee for proceedings in the nature of a scire facias should be abolished? (See rule 172).

74. Is it desirable that the fee for applying for a summons out of the district should be abolished?

75. Is it desirable to preserve the present proportion between the fee imposed on the summons and that levied for the hearing?

76. Is it desirable to preserve the present distinction between the fee for hearing with a jury, and the fee for hearing without a jury?

77. In your judgment is 5s. a sufficient remuneration for the jury?

78. Is it desirable to make any alteration in the fee charged for taking recognisances, bonds, or security for costs, or in that charged for inquiring into sufficiency of sureties?

79. Is it desirable that the fee for giving notice of payment into court should be abolished, the service of the notice being retained? (See rule 117).

80. Are there any fees that you consider either peculiarly oppressive to the suitor, or peculiarly inconvenient to levy? If so, state them, and distinguish those which especially press on the poorer class of suitors.

As to the mode of remunerating the officers of the court:—

81. Is it desirable that the clerks of the courts should be paid either wholly or partially by salaries, instead of fees?

82. Is it desirable that the bailiffs of the courts should be paid either wholly or partially by salaries, instead of fees?

83. If the last two questions, or either of them, be answered in the affirmative, do you think that any additional provisions, and what, would be required in order to secure a due performance of their duties by those officers?

As to the mode in which the business is transacted in the clerk's office:—

84. Has any inconvenience resulted from the present mode of bookkeeping used in the county courts?

85. Would it be convenient to diminish the number of books kept by the clerks?

86. Would it be convenient that the plaint book, the minute book, the fee book, and the execution and commitment book, should be embodied in one book, to be subdivided into two parts, containing—

1. Original plaints;

2. Judgment summonses; and to be called the record?

87. Have you reason to believe that letters required by the practice to be sent by post are not duly delivered at the post-office by the subordinate officers of the court?

88. Has any inconvenience resulted from the present mode of service by post of orders for payment? (See rule 114).

89. Is it desirable that a letter-box should be attached to each county court, and that the postman should be required to call for the letters, and to give receipts for the number delivered; or can you suggest any other means to detect inaccuracies in the delivery of the letters at the post-office?

90. Is it desirable that the post-office should be made more extensively available than it now is for the service of notices, summonses, and other proceedings in the county courts? If yes, to what extent?

91. Are the letters passing through the post-office in your district delivered by the postman, or called for at the office by the parties to whom they are addressed?

### London Gazettes.

FRIDAY, DECEMBER 23.

#### BANKRUPTS.

ROBERT MOONEY, Pleasant-row, Holloway-road, and Croyley-street, Hoxton New-town, Middlesex, tea dealer, grocer, and oilman, Jan. 3 at 2, and Jan. 31 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Hare, 5, South-square, Gray's-inn, London.—Petition filed Dec. 19.

JOHN SMITH, Brighton, Sussex, and King-street, Snow-hill, London, stationer, printer, and engraver, dealer and chapman, (trading under the style or firm of John Smith & Co.) Jan. 5 at 12, and Feb. 3 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Messrs. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed Dec. 20.

WILLIAM HARKNETT, Barking, Essex, builder, Jan. 4 at 2, and Jan. 31 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Hewitt, 6, Nicholas-lane, City.—Petition filed Dec. 21.

RICHARD WILLIAM SPENDELOW, Market Drayton, Shropshire, chemist and druggist, dealer and chapman, Jan. 9 and 30 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Warren, Market Drayton; Hodgson, Birmingham.—Petition dated Dec. 16.

JOSEPH WATSON, Liverpool, broker, dealer and chapman, Jan. 5 and 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Cross, Liverpool.—Petition filed Dec. 19.

ROBERT ALFRED DORRINGTON, Manchester, woollen cloth merchant, dealer and chapman, Jan. 4 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Clarke, Leeds; Taylor, Manchester.—Petition filed Dec. 19.

#### MEETINGS.

John G. Lacy, Great St. Helen's, Bishopsgate-street, London, gun manufacturer, Dec. 31 at half-past 11, (and not at half-past 12, as advertised in last Tuesday's Gazette), Court of Bankruptcy, London, aud. ac.—J. P. Kensington, Edward Kensington, Henry Kensington, Wm. Styan, and Daniel Adams, London, bankers, Jan. 6 at 11, Court of Bankruptcy, London, aud. ac.; Jan. 17 at 12, div.—John Hunter, Hove, Sussex, cowkeeper, Jan. 12 at 2, Court of Bankruptcy, London, aud. ac.—Wm. Emery, Leighton Buzzard, Bedfordshire, grocer, Jan. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.—A. C. Larken, Silver-street and King-street, Greenwich, Kent, coffee-house keeper, Jan. 4 at 12, Court of Bankruptcy, London, aud. ac.—W. Cobbett, Sunbury, Middlesex, plumber, Jan. 10 at 1, Court of Bankruptcy, London, aud. ac.—Wm. Miller, Dorking, Surrey, auctioneer, Jan. 5 at 11, Court of Bankruptcy, London, aud. ac.—John Scovell, St. George's-rd., New Kent-rd., Surrey, and Botolph-lane, London, fish salesman, Jan. 5 at 12, Court of Bankruptcy, London, aud. ac.—W. Trangmar, Crawford-street, Marylebone, Middlesex, hardwareman, Jan. 5 at half-past 11, Court of Bankruptcy, London, aud. ac.—Matthew Potheary, Martin, Wiltshire, sheep salesman, Jan. 5 at 11, Court of Bankruptcy, London, aud. ac.; Jan. 13 at 1, div.—John Gamon, Woolwich, Kent, butcher, Jan. 5 at 12, Court of Bankruptcy, London, aud. ac.—Francis Rave and Geo. Wm. Mortimer, Bury, Lancashire, silk dyers, Jan. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 19 at 12, div.—Michael Wood and J. Wilding, Openshaw, Lancashire, boiler makers, Jan. 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 20 at 12, div.—W. Thomas, Catherine-street, Strand, Middlesex, publisher, Jan. 13 at half-past 12, Court of Bankruptcy, London, div.—Richard Jewesson, Great Winchester-street, London, merchant, Jan. 13 at 1, Court of Bankruptcy, London, div.—Thomas Brooks, Hoxton Old-town, Middlesex, baker, Jan. 13 at 1, Court of Bankruptcy, London, div.—John Marshall, Southampton, coal merchant, Jan. 13 at half-past 1, Court of Bankruptcy, London, div.—Henry J. White, Waterloo-road, Surrey, straw-bonnet dealer, Jan. 13 at half-past 11, Court of Bankruptcy, London, div.—Joseph H. Arnold and Wm. H. Woollett, Clement's-lane, London, ship agents, Jan. 20 at 12, Court of Bankruptcy, London, div. sep. est. of Joseph H. Arnold.—James Brodie Gordon and Robert Gordon, Poplar, Middlesex, coopers, Jan. 20 at 11, Court of Bankruptcy, London, fin. div.—Charles F. Oppenheim, George-street, Minorities, London, shipowner, Jan. 20 at 12, Court of Bankruptcy, London, div.—Michael Fowler, Bushey, Hertfordshire, cattle dealer, Jan. 17 at 1, Court of Bankruptcy, London, fin. div.—Thomas P. Wills, Portsea, Hampshire, trader, Jan. 17 at 1, Court of Bankruptcy, London, div.—John C. Fawcett, York, draper, Jan. 13 at half-past 11, Court of Bankruptcy, London, div.—Benjamin Cubitt Sicley, North Walsham, Norfolk, money scrivener, Jan. 16 at 12, Court of Bankruptcy, London, div.—James Fuller, City-road, Middlesex, glass merchant, Jan. 13 at 1, Court of Bankruptcy, London, div.—Charles Wrightson, High-street, Marylebone, Middlesex, grocer, Jan. 13 at half-

past 1, Court of Bankruptcy, London, div.—*George Gillard*, New-street, Covent-garden, Middlesex, shoe salesman, Jan. 13 at 1, Court of Bankruptcy, London, div.—*Wm. Howlings*, Basing, Hampshire, miller, Jan. 14 at half-past 12, Court of Bankruptcy, London, div.—*Wm. G. Edgill*, High-street, Southwark, Surrey, chinaman, Jan. 14 at 2, Court of Bankruptcy, London, div.—*Richard Tamsell*, Powis-street, Woolwich, and Bedford-terrace, Plumstead, Kent, builder, Jan. 14 at half-past 1, Court of Bankruptcy, London, div.—*Robert Johnston*, Macclesfield, Cheshire, silk manufacturer, Jan. 16 at 12, District Court of Bankruptcy, Manchester, div.—*James Fisk*, Helmsore, near Haslingden, Lancashire, cotton manufacturer, Jan. 16 at 12, District Court of Bankruptcy, Manchester, div.—*M. Davison*, Newcastle-upon-Tyne, draper, Jan. 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Warrington* the elder, Upper Berkeley-street West, Hyde-park-square, Middlesex, stainer in glass, Jan. 17 at 12, Court of Bankruptcy, London.—*John Scott*, Welbeck-street, Cavendish-square, Middlesex, upholsterer's warehouseman, Jan. 17 at half-past 11, Court of Bankruptcy, London.—*Henry M. Haviland*, Denham, Buckinghamshire, cowkeeper, Jan. 17 at 11, Court of Bankruptcy, London.—*T. Johnson*, Broad-street-buildings, London, merchant, Jan. 13 at 1, Court of Bankruptcy, London.—*Frederick P. R. Webb*, Nicholas-lane, Lombard-street, London, merchant, Jan. 16 at 1, Court of Bankruptcy, London.—*James Holbeck*, Marylebone-street, Golden-square, Middlesex, gold laceman, Jan. 16 at 11, Court of Bankruptcy, London.—*Samuel James Lucas*, Hingham, Norfolk, grocer, Jan. 16 at half-past 11, Court of Bankruptcy, London.—*J. Bosworth Crocker*, Sheffield, Yorkshire, draper, Jan. 20 at 1, Court of Bankruptcy, London.—*Richard Bailey* the younger, Hastings, Sussex, tailor, Jan. 17 at 1, Court of Bankruptcy, London.—*Thos. Morgan Carter*, Bristol, builder, Jan. 17 at 11, District Court of Bankruptcy, Bristol.—*Jas. Fisk*, Helmsore, near Haslingden, Lancashire, cotton manufacturer, Jan. 16 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Charles Baker*, Brook-street, Grosvenor-square, Middlesex, upholsterer.—*B. Rolfe* and *B. A. Moore*, Sackville-st., Piccadilly, Middlesex, tailors.—*Simon L. Oppenheim*, Broad-street-buildings, London, merchant.—*Fred. H. Thompson*, Berners-street, Oxford-street, and West End, Hampstead, Middlesex, manufacturer of silvered glass ware.—*Henry James White*, Waterloo-road, Surrey, straw-bonnet dealer.—*Wm. Smith*, High-street, Shadwell, Middlesex, licensed victualler.—*John Hetherington*, *Thos. Hetherington*, and *George B. Scholes*, Manchester, joiners.

#### PARTNERSHIP DISSOLVED.

*Charles Hanslip*, *Wm. Thos. Manning*, and *Job Conworth*, solicitors, attorneys, and parliamentary agents, (so far as regards *W. T. Manning*).

#### SCOTCH SEQUESTRATION.

*Wm. Henderson*, New Mills, Clackmannanshire, farmer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Robert Bedford*, Beaufort, Llangynider, Breconshire, innkeeper, Jan. 13 at 12, County Court of Monmouthshire, at Tredegar.—*John Ase*, Mexborough, Yorkshire, shoemaker, Jan. 2 at 12, County Court of Yorkshire, at Doncaster.—*Charles Malpass*, Lower Cam, (and not Carn, as advertised in last Tuesday's Gazette), Berkeley, Gloucestershire, tailor, Jan. 9 at 11, County Court of Gloucestershire, at Dursley.—*R. Phillips*, Bristol, hatter, Dec. 28 at 11, County Court of Gloucestershire, at Bristol.—*Wm. Watts*, Bristol, carpenter, Dec. 28 at 11, County Court of Gloucestershire, at Bristol.—*Thomas Evans*, St. Woollos, Monmouthshire, blacksmith, Jan. 11 at 12, County Court of Monmouthshire, at Newport.—*Thos. Lewis*, Risea, Monmouthshire, collier, Jan. 11 at 12, County Court of Monmouthshire, at Newport.—*H. Wood*, Beeston, Nottinghamshire, grocer's assistant, Jan. 12 at 9, County Court of Nottinghamshire, at Nottingham.—*James Horsepool*, Bingham, Nottinghamshire, cattle dealer, Jan. 11 at 10, County Court of Nottinghamshire, at Bingham.—*Thos.*

*Leighton*, Nottingham, coal dealer, Jan. 12 at 9, County Court of Nottinghamshire, at Nottingham.—*J. Coulthard*, North Shields, Tynemouth, Northumberland, lead separator, Jan. 20 at 10, County Court of Northumberland, at North Shields.—*Jane Hinton Florington*, North Shields, Tynemouth, Northumberland, innkeeper, Jan. 20 at 10, County Court of Northumberland, at North Shields.—*William Young*, North Shields, Northumberland, ship carpenter, Jan. 20 at 10, County Court of Northumberland, at North Shields.—*Robert Young*, North Shields, Northumberland, ship carpenter, Jan. 20 at 10, County Court of Northumberland, at North Shields.—*John Latham*, Doncaster, Yorkshire, milliner, Jan. 2 at 12, County Court of Yorkshire, at Doncaster.—*Lionel West Holmes*, Caistor, Lincolnshire, out of business, Jan. 11 at 11, County Court of Lincolnshire, at Caistor.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 6 at 10, before the CHIEF COMMISSIONER.*

*Henry Kite*, Gray's-buildings, Duke-street, Manchester-square, Middlesex, bricklayer.—*Wm. Harper Jones Lewis*, Brick-lane, Spitalfields, Middlesex, rag merchant.

*Jan. 7 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Ellercamp*, Woolwich, Kent, carpenter in her Majesty's Royal Arsenal, Woolwich.—*John Baker Armstrong*, North-st., Maida-hill, Paddington, Middlesex, carpenter.—*Enoch Henry Poulton*, Judd-street, New-road, St. Pancras, Middlesex, artificial flower manufacturer.—*George Carr*, White Hart-st., Newgate-market, London, meat salesman.—*Edw. Watson*, Keppel-st., Chelsea, Middlesex, barman at a public-house.

*Jan. 9 at 10, before the CHIEF COMMISSIONER.*

*James Lewis*, Croydon, Surrey, market gardener.—*Edward Hill*, Dalston, Middlesex, in no business.

*Jan. 9 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Strange* the younger, Belvedere-cottage, Upper Norwood, Surrey, salesman to publishers.—*David Nurse*, John-st., Tottenham-court-road, Middlesex, furniture dealer.—*G. Lee*, High Holborn, Middlesex, lithographic draughtsman.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 6 at 10, before the CHIEF COMMISSIONER.*

*Edmund Hardcastle*, Stepney-square, Middlesex, dyer.—*Matthew Nottingham*, Coburn-street, Bow, Middlesex, commercial agent.—*Joseph Bennett Hanson*, Upper Clifton-st., Finsbury, Middlesex, town traveller to a woollen warehouseman.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Somersetshire, at TAUNTON, Jan. 7.*

*G. Green*, Pilton, near Shepton Mallet, turnpike-toll lessee. *At the County Court of Lancashire, at MANCHESTER, Jan. 9 at 12.*

*William Horobin*, Manchester, baker.

*At the County Court of Brecknockshire, at BRECKNOCK, Jan. 10.*

*Evans Evans*, Caebadda, Maesmyrnis, shepherd.—*J. Davies*, Styches, near Leominster, Herefordshire, out of business.—*J. Jones*, Builth, out of business.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Jan. 13.*

*William H. Crosby*, Kingston-upon-Hull, oil distiller.—*G. Carling*, Kingston-upon-Hull, out of business.

#### TUESDAY, DECEMBER 27.

##### BANKRUPTS.

*JAMES SMITH*, Brighton, Sussex, and King-street, Snow-hill, London, (trading at both places with John Smith, who hath been lately adjudged bankrupt, under the style or firm of John Smith & Co.), stationer, printer, and engraver, dealer and chapman, Jan. 5 at 12, and Feb. 3 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannas; Sols. Messrs. J. & J. H. Langkater, 17, Sise-lane, Back-lansbury, London.—Petition dated Dec. 28.

**JOHN GREEN**, Landport, Portsea, Southampton, draper, dealer and chapman, Jan. 9 at 2, and Feb. 7 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Sole & Co., 68, Aldermanbury, London.—Petition filed Dec. 13.

**WILLIAM HONEY**, New Brompton, Gillingham, Kent, builder and licensed victualler, dealer and chapman, Jan. 9 at 1, and Feb. 7 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Stopher, 52, Cheapside, London.—Petition filed Dec. 19.

**DUNCAN JENKINS**, Mile-end-road, Middlesex, licensed victualler, Jan. 4 at half-past 2, and Feb. 7 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Dimmock & Burbey, 2, Suffolk-lane, Cannon-street.—Petition filed Dec. 17.

**JOHN DENT**, Queen's-road, Homerton, Middlesex, carpenter and builder, Jan. 6 and Feb. 9 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Hilleary, Fenchurch-street.—Petition filed Dec. 23.

**JAMES TURNER**, Whitechapel High-street, and John's-row, St. Luke's, Middlesex, cheesemonger, dealer and chapman, Jan. 7 at 2, and Feb. 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Ashurst & Sons, 6, Old Jewry, London.—Petition dated Dec. 19.

**WILLIAM BOWER**, Pickering, Yorkshire, tailor and draper, Jan. 13 and Feb. 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Noble, York; Clarke, Leeds.—Petition dated Dec. 13.

**HENRY DAWBER**, Lincoln, butcher, Jan. 18 and Feb. 8 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Chambers, Lincoln.—Petition dated Dec. 16.

**THOMAS WILKINSON**, Openshaw, Lancashire, builder, carpenter, dealer and chapman, Jan. 9 and Feb. 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hall & Taylor, Staleybridge; Sale & Co., Manchester.—Petition filed Dec. 20.

**THOMAS HENDERSON**, Newcastle-upon-Tyne, draper, dealer and chapman, Jan. 12 at 1, and Feb. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Griffith & Crighton, Newcastle-upon-Tyne; Sale & Co., Manchester.—Petition filed Dec. 17.

#### MEETINGS.

*John Ireland*, Kingston-upon-Hull, draper, Jan. 18 at 12, District Court of Bankruptcy, Kingston-upon-Hull, ch. ass.—*Benjamin Bell*, Newcastle-upon-Tyne, coal merchant, Jan. 6 at half-past 1, Court of Bankruptcy, London, and ac.—*John Mercer*, Wotton-under-Edge, Gloucestershire, provision dealer, Jan. 19 at 11, District Court of Bankruptcy, Bristol, and ac.—*John Heap* the elder and *Richard Heap*, Manchester, silk printers, Jan. 6 at 12, District Court of Bankruptcy, Manchester, and ac. joint est., and and ac. sep. est. of *John Heap* the elder.—*Thomas Crook*, Preston, Lancashire, manufacturer, Jan. 19 at 12, District Court of Bankruptcy, Manchester, and ac.—*John Goodchild* the elder, *John Jackson*, *John Goodchild* the younger, *James Jackson*, *Wm. Jackson*, and *Thomas Jones*, Bishopwearmouth, Durham, and Dowgate, London, bankers, Jan. 13 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac. sep. ests. of *J.* and *Wm. Jackson*.—*J. Strachan*, Newcastle-upon-Tyne, brewer, Jan. 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Edward Emerson* and *Barnabas Fenwick*, Stella, Durham, and Newcastle-upon-Tyne, ironfounders, Jan. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac., and Jan. 19 at 11, fin. div. sep. est. of *Edward Emerson*.—*George Potter*, Grosvenor-basin, Pimlico, Middlesex, and Wouldham and Burham, Kent, lime burner, Jan. 18 at 11, Court of Bankruptcy, London, div.—*John Hogan*, Hakin, Milford Haven, Pembrokeshire, shipwright, Jan. 19 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Joseph Thompson*, Allonby, Cumberland, common brewer, Jan. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*E. Hollinworth*, Staley, Mottram in Longendale, Cheshire, woollen manufacturer, Jan. 17 at 12, District Court of Bankruptcy, Manchester, div.—*Jos. Dicken*, Wollerton, Hodnet, Shropshire, woolstapler, Jan. 28 at 10, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*W. Morris*, Tunbridge, Kent, cabinet maker, Jan. 18 at 2, Court of Bankruptcy, London.—*J. Horder*, Wimborne, Dor-

setshire, market gardener, Jan. 18 at 1, Court of Bankruptcy, London.—*O. Wrightson*, High-st., Marylebone, Middlesex, grocer, Jan. 18 at 1, Court of Bankruptcy, London.—*G. Gillard*, New-street, Covent-garden, Middlesex, shoe salesman, Jan. 18 at 12, Court of Bankruptcy, London.—*Charles Smith*, Victoria-road, Kentish-town, Middlesex, victualler, Jan. 18 at half-past 12, Court of Bankruptcy, London.—*J. Thompson*, Allonby, Cumberland, common brewer, Jan. 19 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thomas Fenwick*, Tynemouth, Northumberland, common brewer, Jan. 17 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Richard Heap*, Longsight, Manchester, silk printer, Jan. 19 at 12, District Court of Bankruptcy, Manchester.—*Thomas Sherratt*, Washerwall, Stoke-upon-Trent, Staffordshire, grocer, Feb. 13 at 10, District Court of Bankruptcy, Birmingham.—*Tryphena Taylor*, Derby, innkeeper, Jan. 27 at 10, District Court of Bankruptcy, Nottingham.—*Wm. Lynall*, Birmingham, plumber, Jan. 18 at 11, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*C. Hudson Simson*, Bishopsgate-street, London, provision dealer.—*H. Mountain*, Piccadilly, Westminster, and Gunter's-grove, Brompton, Middlesex, draper.—*Joseph A. Joyce*, Old Broad-street, London, merchant.—*Matthew Potteary*, Martin, Wiltshire, sheep salesman.—*Daniel Pugsley*, Broad-st., Cheapside, London, warehouseman.—*Frederick Payton*, Birmingham, brick maker.—*Wm. Watson*, Audley, Staffordshire, saddler.—*Wm. F. Corbett*, Worcester, linendraper.—*Job Broadhurst*, Longton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer.

#### PARTNERSHIP DISSOLVED.

*Joseph Mallaby* and *Jackson Townsend*, Liverpool, and Birkenhead, Cheshire, attorneys-at-law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Donald Morrison*, Inverness, bookseller.—*James Mcintosh*, Glasgow, commission merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. W. Heath*, Chatham, Kent, printer, Jan. 12 at 10 County Court of Kent, at Rochester.—*John W. D. Brown*, Gosport, Hampshire, assistant surgeon in her Majesty's Navy, Jan. 27 at 11, County Court of Hampshire, at Portsmouth.—*Alexander Nelson*, Portsea, Southampton, general dealer, Jan. 27 at 11, County Court of Hampshire, at Portsmouth.—*T. Roberts*, Rock, Worcestershire, clerk, Jan. 19 at 2, County Court of Worcestershire, at Tenbury.—*Henry Addison*, Liverpool, sailmaker, Jan. 13 at 10, County Court of Cheshire, at Birkenhead.—*John Eccles*, Preston, Lancashire, fish dealer, Jan. 17 at 10, County Court of Lancashire, at Preston.—*A. Reeve*, Duke's-place West, Peckham, Kent, shoemaker, Jan. 10 at 12, County Court of Kent, at Maidstone.—*Wm. Bow*, Maidstone, Kent, foreman to a builder, Jan. 10 at 12, County Court of Kent, at Maidstone.—*Thos. Sayward* the younger, Atherstone, Warwickshire, out of business, Jan. 9 at half-past 10, County Court of Warwickshire, at Atherstone.—*Stephen Middleton*, Bocking, near Keighley, Yorkshire, woolcomber, Jan. 11 at 11, County Court of Yorkshire, at Keighley.—*J. Hartley*, Lees, near Keighley, Yorkshire, grocer, Jan. 11 at 11, County Court of Yorkshire, at Keighley.—*William Lloyd*, Liverpool, master mariner, Jan. 2 at 10, County Court of Lancashire, at Liverpool.—*Thomas H. Potter*, Liverpool, surgeon, Jan. 2 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 11 at 10, before Mr. Commissioner MURPHY.*

*John Holloway*, Wharton-street, Lloyd-square, Middlesex, commercial traveller.—*Robert Emerson*, Little Church-row, High-st., Hampstead, Middlesex, butcher.—*John Warman*, Lower Thames-st., London, eating-house keeper.—*Edward G. Coe*, Wells-row, Gowar's-walk, Whitechapel, Middlesex, cowkeeper.—*Wm. Newman Gibbs Atkins*, Westmoreland-place, City-road, Middlesex, commission traveller.—*John Spence*, Bear-st., Leicester-square, Middlesex, out of busi-

ness.—*John Gerrard*, Bridge-place, Stratford, Essex, tailor.—*Wm. Caulder*, Lower Ham-road, Kingston, Surrey, in no business.—*Philip John James*, Kirby-street, Hatton-garden, Holborn, Middlesex, bookbinder.—*John Hoare*, Little Camden-st., Camden-town, Middlesex, labourer.

Saturday, Dec. 24.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Ellen Miles Wastell*, spinster, New Bond-st., Middlesex, No. 63,796 T.; *Thomas Nelson* Golding Gurney, assignee.—*Walter Key Haslewood*, Hill-road, St. John's-wood, Middlesex, captain in the Hon. East India Company's Service, No. 63,964 T.; *Robert Guthrie Macgregor*, assignee.—*Charles Eastwood*, Manchester, fruiterer, No. 77,223 C.; *John M'Nish*, assignee.—*Wm. Bateman*, Twickenham-common, Twickenham, Middlesex, out of business, No. 63,845 T.; *Wm. Moore*, assignee.—*John Banks*, Liverpool, out of business, No. 76,105 C.; *Jonas Reis*, assignee.—*James Fry*, Compton-st., Clerkenwell, Middlesex, wholesale confectioner, No. 64,045 T.; *Richard Henry Ambridge*, assignee.—*John Wollencroft*, Middleton Mill, Middleton, near Manchester, grocer, No. 77,115 C.; *Edmund Howarth*, assignee.

Saturday, Dec. 24.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions.)*

*Wm. Easen*, Crown-court, Chancery-lane, London, licensed victualler: in the Debtors Prison for London and Middlesex.—*Thos. Heath* the elder, Ebury-street, Pimlico, Middlesex, dairyman: in the Debtors Prison for London and Middlesex.—*Thos. Geo. Frederick Holt*, Church-st., Trinity-square, Newington, Surrey, out of business: in the Queen's Prison.—*Jas. Wm. Giles*, Aldersgate-st., London, haberdasher: in the Debtors Prison for London and Middlesex.—*John Voller*, Exmouth-place, Exmouth-st., Commercial-road East, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—*Charles Burfoot*, Middle-hill, Egham, Surrey, labourer: in the Gaol of Surrey.—*James Millar*, Clipstone-st., Fitzroy-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Frederick Bull*, St. Alban's-terrace, Kennington, Surrey, out of employ: in the Debtors Prison for London and Middlesex.—*Thomas Barber Johnson*, Tower-dock, Tower-hill, City, assistant to an auctioneer: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition.)*

*Frederick Rosenthal Cruchley*, Cambridge-terrace, Hyde-park-gardens, Middlesex, keeper of a repository for the sale of church plate: in the Gaol of Newgate.

*(On their own Petitions.)*

*Joseph Sharp*, Gisborough, Yorkshire, out of business: in the Gaol of Durham.—*Thos. Greenlees*, Salford, Lancashire, baker: in the Gaol of Lancaster.—*William Cotton*, Morley, King's Norton, Worcestershire, timber merchant: in the Gaol of Worcester.—*Thos. Reader*, Staplehurst Plain, Staplehurst, Kent, labourer: in the Gaol of Maidstone.—*Philip Carlton*, York, out of business: in the Gaol of York.—*John Markwell* the elder, Woodbridge, Suffolk, basket maker: in the Gaol of Suffolk.—*Ham Tite Thomas*, Burton-upon-Trent, Staffordshire, baker: in the Gaol of Stafford.—*Arthur J. Hughes*, Old Windsor, Berkshire, in no profession: in the Gaol of Reading.—*Thos. Portwine*, Birmingham, soda-water manufacturer: in the Gaol of Coventry.—*George Gregory*, Woodthorpe, North Winfield, Derbyshire, farmer: in the Gaol of Derby.—*Evan Evans*, Caebadda, Maesmynia, Brecknockshire, shepherd: in the Gaol of Brecon.—*John Davies*, Styches, near Leominster, Herefordshire, out of business: in the Gaol of Brecon.—*Robert Bradley*, Accrington, Lancashire, joiner: in the Gaol of Lancaster.—*John Jones*, Builth, Breconshire, out of business: in the Gaol of Brecon.—*George White*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Robert Stocks*, Doncaster, Yorkshire, cabinet maker: in the Gaol of York.—*Thomas Tate Smith*, New Malton, Yorkshire, grocer: in the Gaol of York.—*James Greenwood*, Springhead, near Keighley, Yorkshire, out of business: in the Gaol of York.—*Richard S. Mare Sprye*, Sphinx Lodge, Chelsea, Middlesex, never in any business or employ: in the Gaol of Lancaster.—*Richard Airay*, Lancaster, letter carrier: in the Gaol of Lancaster.—*Holt Edmondson*, Hulme, Manchester, out of employment: in the Gaol of Lancaster.—*Wm.*

*C. Greenwood*, Springhead, Keighley, Yorkshire, farmer: in the Gaol of York.—*Frederick West*, Southampton, shoemaker: in the Gaol of Southampton.—*Wm. A. H. Arundell*, Esq., Lifton, Devonshire: in the Gaol of St. Thomas-the-Apostle.—*George Clarke*, North Ockendon, Essex, cattle dealer: in the Gaol of Springfield.—*John D. Paine*, Bear-lane, Christchurch, Surrey, surveyor: in the Gaol of Dover.—*Robert Wellock*, Toxteth-park, Liverpool, butcher: in the Gaol of Lancaster.—*Wm. Dawson*, Lower Crumpeall, near Manchester, grocer: in the Gaol of Lancaster.—*R. Makin*, Manchester, hat manufacturer: in the Gaol of Lancaster.—*Samuel Lees*, Manchester, warehouseman: in the Gaol of Lancaster.—*J. Bradbury*, Heaton Norris, Lancashire, hoiser: in the Gaol of Lancaster.—*Thomas Wilson*, Blackburn, Lancashire, fishmonger: in the Gaol of Lancaster.—*John Taylor*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Hamlet Lowe*, Hulme, Manchester, printer: in the Gaol of Lancaster.—*David Jackson*, Milton next Gravesend, Kent, pilot: in the Gaol of Maidstone.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

Jan. 10 at 10, before Mr. Commissioner MURPHY.

*John Bryant*, Keston, near Bromley, Kent, market gardener.—*John Gatliff*, Clarendon-terrace, Camberwell New-road, Camberwell, Surrey, commission agent.

*Adjourned Hearing.*

*Edward W. Perry*, Bromley, Middlesex, out of business.

Jan. 12 at 11, before Mr. Commissioner PHILLIPS.

*Frederick P. Helm*, Tavistock-place, Russell-square, Middlesex, surgeon-dentist.—*Thomas Chapman*, Chenies-street, Bedford-square, Middlesex, milkman.—*James R. Smith*, New Oxford-street, Middlesex, business agent.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Kent, at MAIDSTONE, Jan. 10 at 12.

*Thomas C. Colson*, Sydenham, railway contractor.—*Thomas Reader*, Staplehurst Plain, labourer.—*D. Jackson*, Gravesend, pilot.—*Caleb Ambrose*, Sheerness, furnishing ironmonger.—*James Ballen*, Greenwich, milliner.

At the County Court of Staffordshire, at STAFFORD,

Jan. 11 at 11.

*Sarah Baker*, Sedgely, out of business.—*John Gallagher*, Longton, retailer of ale.—*Elizabeth Fearn*, widow, Longton, grocer.

**EGERTON v. BROWNLOW.**—The only authentic Report of this important Case, as decided by the House of Lords, is contained in HOUSE OF LORDS CASES, Vol. 4, Part 1. Reported by CHARLES CLARK, Esq., Barrister at Law. (By appointment of the House of Lords).

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The Right Hon. the Earl of Devon.

The Right Hon. Lord Truro.

The Right Hon. the Lord Chief Baron.

The Right Hon. the Lord Justice Knight Bruce.

The Right Hon. Sir John Dodson, Dean of the Arches, &c.

William Baker, Esq., late Master in Chancery.

Richard Richards, Esq., Master in Chancery.

Insurances expiring at Christmas should be renewed within fifteen days thereafter, at the Offices of the Society, or with any of its Agents throughout the country.

E. BLAKE BEAL, Secretary.

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# The Jurist

No. 887—VOL. XVII. JANUARY 7, 1854.

PRICE 1s. 6d.

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## ADVERTISEMENTS.

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LONDON, JANUARY 7, 1854.

It seems that at length a specific plan is to be brought forward for concentrating the Courts of Law and Equity in one locality. The facetious description of their scatteredness and its effects, in which a writer in *The Times* indulged on the 4th instant, is perhaps a little—but it is really not much—exaggerated. Indeed, the practical inconvenience to the Profession and to the suitor, of having, as happens continually, the Criminal Courts sitting in the city; the Equity Courts at Lincoln's Inn; and the House of Lords, the Privy Council, and the Law Courts at Westminster, cannot be exaggerated. The symbol of infinite magnitude is the only true representative of its quantity of inconvenience. The arrangements, too, at Westminster, even when the Courts of Law and Equity are both sitting at Westminster, are indeed such as almost to deserve the sarcasms of the writer referred to. Those of the Equity Courts are so bad, that it really takes a large portion of

the day of any counsel fully engaged, to travel from court to court; and the fatigue of eternally running up and down from the Chancellor's to the Rolls, from the Rolls to the Lords Justices', from that up three flights of stairs to Vice-Chancellor Wood's or Vice-Chancellor Stuart's, and then down again one flight to Vice-Chancellor Kindersley's, and so on *à capō*, is so extensive, that we have heard some men say, that during term they neither require nor can bear any further exercise. Now, we do not deny that some exercise is necessary, but then it should be taken at the right time. It is inconvenient to be running about when one ought to be speaking in court, and sitting down overcome with fatigue at a period when one might be taking air and exercise. In favour of the concentration of the courts there is every argument; against it none. It will, however, give a colour to the continuance of a very inconvenient practice within the Bar, if that practice is not, as we trust it will be, previously abolished; we mean the practice of the Queen's Counsel, at the equity Bar at least, not confining themselves to any one or even two courts, but practising in every court. This, with a very few exceptions, is the universal practice of the leading counsel in the equity courts. The result of it is most injurious to the suitor, and will, we are confident, ultimately be most injurious to the Bar also. For independently of the actual inconvenience suffered by the suitors by the frequent absence of their leading counsel from the conduct of their causes—an inconvenience which, when it has been sufficiently long and extensively felt to



be what, in American phraseology, would be termed *realised* by the suitors as a body, will suggest to them ideas of the superfluity of leading counsel, when they see the forensic fight so frequently fought out without them;—independently, we say, of this, the mere fact of leading counsel too eagerly running from court to court has a hasty, a hungry look about it, very antagonistic to the development of those feelings of somewhat distant respect with which it is well, both for the public service and for the Bar itself, that leading counsel should be viewed by the suitors and their representatives. Such was the feeling with which the great leaders of the last age were looked at; such was the feeling with which the great leaders of even twenty years back were looked at. Such is not the feeling which follows the erratic footsteps of the leading Bar of this day, and the falling off is more to be attributed to their very modern practice of being too catholic in their court worship, than to any other cause. Another practical evil resulting from the habit is this—that men, who thus practise in all the courts, not only have so much more thrown upon them than they could possibly master if they wasted no time, but do actually waste so much time, partly on *bonâ fide* locomotion, partly from the distraction of their thoughts and spirits, that they cannot, and notoriously do not, master their cases as cases should be mastered. The consequence is, a generally hasty and slovenly mode of doing business in court; a frequently running fire of nearly useless consultative conversation between the leader and the junior, going on in court while the leader is actually speaking; and a total dislocation of the proper relation between leader and junior, most hostile to the accurate and effective transaction of business. As ourselves members of the outer Bar, we know that we speak the feelings of our corps when we say that the inconvenience and uncertainty that we feel, as a body, from never knowing whether, on a case coming on, we shall be led, as we ought to be, or be not led at all, or be led nominally only, is utterly destructive of comfort in doing our court business, and exceedingly inimical to our doing our department of it well. We do trust that long before the concentration of the courts some arrangement may be made, by which all leading counsel in equity will confine themselves to one original court and the courts of appeal.

#### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

George Nelson Emmet, 14, Bloomsbury-square, to be a London Commissioner.  
 Henry Nethersole, 3, New-inn, Strand, to be a London Commissioner.  
 John Elliott Fox, 40, Finsbury-circus, to be a London Commissioner.  
 Joseph Wheelock, 10, Chancery-lane, to be a London Commissioner.

#### THE STATUTE-LAW COMMISSION.

WE continue our extracts from Mr. Coode's papers:—

"(123). If these recommendations be justified by any prospective utility, they are quite as applicable to every measure, to every amendment, proposed before consolidation, as to any amendment subsequent to consolidation.

"Indeed this process would of itself be a sure and gradual process of consolidation, more certain of attaining the ultimate result of one consistent body of law than any more extensive consolidation professedly and formally prepared as such.

"At all events, the re-enactment of many isolated portions of the old law, with their amendments interpolated, would certainly prepare the way for the combination of many such fragments under more comprehensive heads. They would inevitably coalesce, when brought to sufficient consistency and conformity, into more extensive consolidations, and with this great advantage, that the partial consolidations would each have undergone the test of practical experience, and perhaps of successive amendments, before it came to be incorporated into the body of a more extensive consolidation.

"(124). Assuming now, that either by this gradual development of uniformity and consistency, or by a distinct and professed process, a consolidation of a body of law were once effected, the further consideration arises, how, in this more extended shape, the law may be amended with the utmost facility, without being dissolidated.

"Reasons have already been given for the subdivision of the matter of a consolidated act into the minutest possible articles, (110). Such minute subdivision is indispensable to the utmost mobility and facility of change in its elements.

"A consolidated law, consisting of numerous articles, frequently as it might require amendment, would rarely, where the law itself were worth retaining, require amendment throughout the whole or any very large portion of the series of its articles.

"It would be inconvenient, in a case where one or a few articles were to be amended, to reprint the whole of the consolidated act, which, being easily accessible in one chapter, could be easily referred to for comparison with any proposed amendment.

"(125). Every amendment of a consolidated act must consist of one or more of three distinguishable things:—first, of the abrogation of one or more of its articles; secondly, of the amendment of one or more of its articles; or, thirdly, of new matter to be interpolated before, between, or after its articles.

"The amendment, when effected, would be, in the first case, the simple re-enactment of the consolidated law, with the abrogated articles omitted; in the second case, with the amended articles in their old place as amended; and in the third case, with the new articles inserted in their proper places and order.

"To effect this, it is suggested that the following would be a safe and convenient course to adopt in passing the amendments; namely—

"That the amending bill should, after the fashion of notices of amendments on bills in Parliament, the practice of which is well known, and probably not susceptible of much improvement for these purposes, run thus:—

'A bill to amend 'the act for relief of the poor,' &c.,

'by omitting articles 9, 10, 21, 56;

'and by substituting for article 4 the following two articles; namely, &c.

'and by inserting after article 7 the following two articles; namely, &c.

'and by inserting after article 96 the following three articles; namely, &c.

'and to re-enact the said act as hereby amended.'

"A bill in such form and terms could be discussed and disposed of with as much ease as a notice of amendment upon a bill, now framed in a similar manner, is discussed and disposed of.

"(126). A bill being passed in this form, the next stage is to give effect to it by incorporating its provisions into the consolidated act. This, it is proposed, should take place with regard to all consolidated acts under the provisions of a general act of Parliament passed for the purpose, and to this effect—'That whenever an act is passed to amend a consolidated act, either by the omission of articles therein, or by the amendment of articles therein, or by the insertion therein of additional articles, such amendments shall take effect accordingly.

'and that the said consolidated act shall thereupon be engrossed, inrolled, and published and printed, with such articles omitted, amended, or added, as the case may be,

'and that the numbering of all chapters, sections, or articles therein shall proceed continuously in the act so amended from number one to the last number, as the case may require.'

"But until some successful experiments have been made, shewing the use of this more general provision, it might be more desirable to provide for the operation of re-enactment and promulgation by a clause in each several act.

"(127). The effect will be, that from the time of consolidation no more repeals will appear upon the statute book, repeals being effected by simple omission of articles; no more amending acts accumulated, such amendments being incorporated in the one subsisting consolidated act; recitals and references would cease, and the law receive all amendment, expansion, and development, without a loss of its unity and cohesion.

"(128). If this course of proceeding were thought worthy of a trial, which might be made with some of the first amendments required upon some of the least important subjects, where failure would be of the less consequence, and remedy the more easy, there would still remain a few details to be arranged to give full and safe effect to the plan. One such detail would be a clause in the general act before mentioned, or a standing form of clause in each amending act, to continue the operation of the consolidated act, as before amendment, to all matters requiring it. But it would probably be a waste of time at present to develop further the details of a plan which may possibly not be thought worth the experiment."

### Court Papers.

#### COMMON-LAW CAUSE LISTS, HILARY TERM, 1854.

##### Court of Queen's Bench.

###### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER MICHAELMAS TERM, 1853.

FOR JUDGMENT.	
Midd.—Dunsey v. Richardson	Liv'pool—Wilcox v. Spence
Lond.—Foster v. Mentor Life Assurance Co.	" Alston v. Grant
	" Hilton v. Garnett
	" Heath v. Smith
	" Greenfield v. Sykes
	" Jeffreys v. Hudson
FOR ARGUMENT.	
MICH. TERM, 1853.	Bedford—Turney v. Dodwell
Midd.—Bellamy v. Morrett	Norwich—Savory v. Underwood
Durham—Smith v. Trowsdale	" Same v. Same
Lancaster—Dewhurst & ors.	Suffolk—Ward v. Galsworthy
v. Clarkson	

3

Herts—Rhodes v. Broad  
Kent—Earl of Romney v. Inclosure Commissioners of England and Wales  
Surrey—Mason v. Morrison  
Glamorgan—Jenkins v. Hill

Hants—Le Feuvre v. Lankaster  
Somerset—Phelps v. Prew  
*Tried during Term.*  
Midd.—Stoessiger v. South-eastern Railway Co.  
" Hampstead v. Willes.

#### SPECIAL CASES, DEMURRERS, AND COUNTY COURT APPEALS,

FOR HILARY TERM, 1854.

Those marked thus \* are Special Cases, and thus † Demurrers.

##### FOR JUDGMENT.

\*Mowatt v. Lord Londenborough  
\*Westbrook v. Blythe  
\*MacLae v. Sutherland & ors.  
†Couch v. Steel

##### FOR ARGUMENT.

†Badeley v. Vigurs  
†Wilcox v. Spence  
\*Ralli & ors. v. Davis  
†Thompson v. Bell & ors.  
†Thompson v. Bell & ors.  
\*Dean & an. v. Horaby  
Bougleaux v. Swayne & an.  
(Sp. Verd.)  
Vick v. Sueter (Sp. Verd.)

Heath v. Birley (Appeal from Birmingham County Ct.)  
†Hutton v. Battersea Park Commissioners  
†Mellor v. Taylor & an.  
†Owens v. Wynne & an.  
†Hughes v. Wynne & an.  
†Jones v. Wynne & an.  
†R. Roberts v. Wynne & an.  
†E. Roberts v. Wynne & an.  
†Stanton v. Collier and an.  
\*Pennell & ors. v. Alexander & an.  
†Rotherham v. Pott & ors.  
Wilmot v. Rose (Appeal from Derby County Ct.)  
†Andrews v. Butler

#### ENLARGED RULES

FOR HILARY TERM, 1854.

Those marked thus \* are to be heard in the Bail Court.

##### First Day.

In re Wickens  
Birch v. Forster  
In re Holt  
In re Smith v. Clough  
\*Reg. v. Wardens of the Mercers Co.

Reg. v. Metropolitan Commissioners of Sewers  
\*Same v. Justices of Oxfordshire

##### Eighth Day.

In re Pattinson.

#### CROWN PAPER, HILARY TERM, 1854.

Glamorganshire Reg. v. Lewis.  
Middlesex .... South-western Railway Co.  
Same ..... Vestrymen of St. Pancras.  
Norwich .... Elmer.  
Middlesex .... Trustees of the Commercial Road.  
Cambridgeshire ..... Eastern Counties Railway Co.

#### Court of Common Pleas.

##### ENLARGED RULES.

###### Generally.

In re Sharp v. All (In prohibition)  
Dalby v. India and London Life Assurance Co.

#### DEMURRER PAPER.

Tuesday, Jan. 17.  
Crouch v. London and North-western Railway Co.  
Fraser & ors. v. Fothergill  
Mattison v. Hart  
Errington v. Gabriel

Friday, Jan. 20.  
Caballero v. Slater  
Lewis v. Clifton

Tuesday, Jan. 24.  
Greenwood v. Sutcliffe.

#### CUR. ADV. VULT.

Doe d. Croft v. Tidbury  
Manchester, Sheffield, and Lincolnshire Railway Co. v. Wallis  
Levy v. Metropolitan Economic Cab Co.

## Court of Exchequer.

## SITTINGS—HILARY TERM, 1854.

<i>Days in Term.</i>	<i>Ranc.</i>
Wednesday... Jan. 11	Motions and Peremptory Paper.
Thursday..... 12	Errors, Peremptory Paper, & Motions.
Friday..... 13	.....
Saturday..... 14	.....
Monday..... 16	Special Paper.
Tuesday..... 17	.....
Wednesday..... 18	.....
Thursday..... 19	Circuits chosen.
Friday..... 20	.....
Saturday..... 21	Crown Cases.
Monday..... 23	Special Paper.
Tuesday..... 24	.....
Wednesday..... 25	Special Paper.
Thursday..... 26	.....
Friday..... 27	.....
Saturday..... 28	.....
Monday..... 30	.....
Tuesday..... 31	.....

<i>Days in Term.</i>	<i>Nisi Prius.</i>
Thursday.... Jan. 12	Middlesex first Sitting.
Tuesday..... 17	London first Sitting.
Thursday..... 19	Middlesex second Sitting.
Tuesday..... 24	London second Sitting.
Thursday..... 26	Middlesex third Sitting.

## NEW TRIALS.

<i>FOR JUDGMENT.</i>	
<i>Moved Easter Term, 1853.</i>	Notts.—Reeve v. Reeve
London.—Lawes v. Bachelor	Exeter—Yelland v. Northmore
" Same v. Same.	" Curtis v. Johnson
<i>Moved Mich. Term, 1853.</i>	" Creed v. Fisher
London.—Holland v. Lea	" Down v. Pinto
	Bristol—Peto v. Reynolds
	Glos'ter—Harris v. Brain
<i>FOR ARGUMENT.</i>	" Couch v. Shearman
<i>Moved Mich. Term, 1853.</i>	" Hadley v. Baxendale
Midd.—Jones v. Giles	York—Burnby v. Darley
" Jenkin v. Finden	" Crouch v. Great North-
London.—Arnold v. Hamel	ern Railway Co.
" Palmer v. Wagstaff	" Stead v. Cooper
" Clayton v. Percy	Liv'pool—Daglish v. Ranson
" Supp v. Stevens	" Robinson v. Boswell
" Metzner v. Bolton	" Jones v. Atwood
Chelmsford—Lake v. Plaxton	" Van Baggen v.
Croydon—Marshall v. General	Baines
Steam Navigation	" Chaplin v. Levy
Co.	
" Clossman v. Lacoste	<i>Moved after the 4th Day of</i>
" Holmes v. Penney	<i>Mich. Term, 1853.</i>
Northamp.—Hodges v. Law-	Midd.—Smith v. Salzmann
rance	London.—Orme v. Galloway.
Notts.—Dawes v. Moss	

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.

Wilkinson v. Figg | Beaswick v. Boffey.

## SPECIAL PAPER.

<i>FOR JUDGMENT.</i>
Beavan v. M'Donnell (Heard Nov. 22) (D)
<i>FOR ARGUMENT.</i>
Mostyn v. Griffiths (Part heard June 11) (D)
Wilkinson v. Figg (Ap)
Jones v. Attwood (D).

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed James Frederick Spurr, of Gainsborough, Lincolnshire, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the Parts of Lindsey, in the county of Lincoln.

## London Gazettes.

FRIDAY, DECEMBER 30.

## BANKRUPTS.

THOMAS EASTGATE, Churton-st., Pimlico, and Tothill-street, Westminster, Middlesex, boot and shoe salesman, dealer and chapman, Jan. 6 at half-past 11, and Feb. 10 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Story, 36, Great Jamaica-street, Bedford-row.—Petition dated Dec. 22.

JOHN DAVIS and SOLOMON DAVIS, East Smithfield, Middlesex, clothiers and outfitters, dealers and chapmen, Jan. 12 at half-past 12, and Feb. 10 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Levy, 14, Arundel-street, Strand.—Petition dated Dec. 29.

BENJAMIN VINCENT, Canterbury, Kent, boot and shoe maker, dealer and chapman, Jan. 10 at half-past 11, and Feb. 9 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Stretton & Postens, 143, Strand.—Petition filed Dec. 10.

WILLIAM COBB, Maidstone, Kent, builder, Jan. 10 and Feb. 7 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Stanning & Carnell, Tunbridge; Stanning & Croft, Basinghall-street, London.—Petition filed Dec. 28.

WILLIAM LEGH, New Windsor, Berkshire, wine merchant, Jan. 7 at half-past 2, and Feb. 11 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Dimmock & Burbey, 2, Suffolk-lane, Cannon-street, London.—Petition dated Dec. 20.

THOMAS WILLIAM THAME, Nelson-street, Greenwich, Kent, ironmonger, dealer and chapman, Jan. 9 and Feb. 11 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Bristow & Tarrant, 2, Bond-court, Walbrook.—Petition dated Dec. 29.

DAVID PRATT, Nechell's Mill, Aston-juxta-Birmingham, thimble maker, metal roller dealer, dealer and chapman, Jan. 12 and Feb. 9 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Smith, Birmingham.—Petition dated Dec. 24.

THOMAS BULL, Bristol, shipowner and merchant, Jan. 12 and Feb. 9 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Petition filed Dec. 24.

## MEETINGS.

Christopher Ware, York, saddler, Jan. 13 at 11, District Court of Bankruptcy, Leeds, ch. ass.—Joseph White, East Cowes, Isle of Wight, Southampton, shipbuilder, Jan. 11 at half-past 1, Court of Bankruptcy, London, last ex.—Edwin Orphin, Brighton, Sussex, builder, Jan. 10 at 1, Court of Bankruptcy, London, last ex.—Edward Dennis, Rickmansworth, Hertfordshire, licensed brewer, Jan. 10 at half-past 1, Court of Bankruptcy, London, last ex.—Wm. Bennett, Foster Mill, near Hebden Bridge, Yorkshire, and Horwich, near Bolton, Lancashire, cotton spinner, Jan. 11 at 12, District Court of Bankruptcy, Manchester, last ex.—William Brook, Manchester, stuff merchant and warehouseman, Jan. 10 at 11, District Court of Bankruptcy, Manchester, last ex.—Wm. Hill, Manchester, canvas dealer, Jan. 9 at 12, District Court of Bankruptcy, Manchester, last ex.—Henry J. White, Waterloo-road, Surrey, straw-bonnet dealer, Jan. 12 at 12, Court of Bankruptcy, London, aud. ac.—Frederick William Strickland, Kensington-crescent, Kensington, and Symond's-inn, Chancery-lane, Middlesex, wine merchant, Jan. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.—Edward Thomas, Ebury-street, Pimlico, Middlesex, builder, Jan. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.—Robert Johnston, Macclesfield, Cheshire, silk manufacturer, Jan. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Robt. Rutherford, Manchester, and St. John's, Newfoundland, merchant, Jan. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.—James Fish, Helmsboro, near Haslingden, Lancashire, cotton manufacturer, Jan. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.—E. Hollinworth, Stayley, Mottram, Longdendale, Cheshire, woollen manufacturer, Jan. 10 at 12, District Court of Bankruptcy, Manchester, aud. ac.—G. I. Pinder, York, tea dealer, Jan. 17 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Jan. 23 at half-past 11, div.—W. Richardson, Lombard-street,

London, merchant, Jan. 17 at 12, Court of Bankruptcy, London, div.—*J. H. Musgrave*, Eastcott-place, Ferdinand-street, Hampstead-road, Middlesex, embroiderer, Jan. 26 at half-past 11, Court of Bankruptcy, London, div.—*Edw. Brewster* and *Edward West*, Hand-court, Dowgate, London, printers, Jan. 24 at 11, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *E. Brewster*.—*R. Spenceley* and *Jas. M. Spenceley*, Wapping, Middlesex, and Clyde Dock, Rotherhithe, Surrey, sail makers, Jan. 24 at 12, Court of Bankruptcy, London, div.—*Robert Hawkins*, Farnham, Surrey, grocer, Jan. 26 at 11, Court of Bankruptcy, London, div.—*Edward Cowper Fyfe* and *Ebenezer Wathen Fyfe*, Howford-buildings, Fenchurch-street, London, and *Edward Fyfe* the younger, Calcutta, East Indies, merchants, Jan. 21 at half-past 12, Court of Bankruptcy, London, div.—*Jonathan Streeter*, Brighton, Sussex, corn merchant, Jan. 20 at 1, Court of Bankruptcy, London, div.—*Joseph Legge* and *John Legge*, Marlborough-road, Brompton, and Churton-street, Belgrave-road, Pimlico, Middlesex, cabinet makers, Jan. 21 at half-past 11, Court of Bankruptcy, London, div.—*Joseph Heath*, Chesham, Buckinghamshire, chemist, Jan. 21 at 11, Court of Bankruptcy, London, div.—*James Bozall*, Brighton, Sussex, coachmaker, Jan. 21 at 1, Court of Bankruptcy, London, div.—*Frederick Francis Fox*, Cornhill, London, tailor, Jan. 21 at 12, Court of Bankruptcy, London, div.—*George Burnett Abalom*, Portsmouth, Southampton, coal merchant, Jan. 21 at 1, Court of Bankruptcy, London, div.—*Francis English*, Manchester, power-loom cloth manufacturer, Jan. 23 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Richard Spenceley* and *James M. Spenceley*, Wapping, Middlesex, and Clyde Dock, Rotherhithe, Surrey, sail makers, Jan. 24 at 12, Court of Bankruptcy, London.—*Peter Foot*, Bermondsey, Surrey, licensed victualler, Jan. 20 at 1, Court of Bankruptcy, London.—*George Hennes*, Duke-st., Westminster, Middlesex, railway contractor, Jan. 21 at 12, Court of Bankruptcy, London.—*Thos. Hutchings*, Park-st., Westminster, Middlesex, and Great Grimsby, Lincolnshire, and Anston, Yorkshire, railway contractor, Jan. 21 at 12, Court of Bankruptcy, London.—*Thomas Pye*, Manor-st., Chelsea, Middlesex, sawyer, Jan. 20 at half-past 11, Court of Bankruptcy, London.—*Edward Thomas*, Ebury-street, Pimlico, Middlesex, builder, Jan. 20 at 12, Court of Bankruptcy, London.—*William Booth*, Commercial-road, Lambeth, Surrey, ironmonger, Jan. 24 at 1, Court of Bankruptcy, London.—*Joseph Bradstreet*, Pearson-street, Kingsland-road, and Great Cambridge-street, Hackney-road, Middlesex, miller, Jan. 24 at 12, Court of Bankruptcy, London.—*Eliza Lloyd*, Wigmore-street, Cavendish-square, Middlesex, dressmaker, Jan. 24 at 1, Court of Bankruptcy, London.—*Morgan Williams*, Llanelly, Carmarthenshire, wine merchant, Feb. 1 at 11, District Court of Bankruptcy, Bristol.—*Joseph Hopkinson*, Barborough, Derbyshire, brickmaker, Jan. 21 at 12, District Court of Bankruptcy, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*John Winter*, Sandhurst, Kent, builder.—*R. Stephens*, Truro, Cornwall, draper.

## SCOTCH SEQUESTRATIONS.

*Wm. Angus & Co.*, Rosyth, Fifeshire, engineers.—*Isabella McKerracher*, widow, Glasgow, house painter.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Septimus Press*, Skireholme, Appletrewick, Burnsall, near Skipton, Yorkshire, cattle dealer, Jan. 13 at 10, County Court of Yorkshire, at Skipton.—*Wm. Cooper*, Sedford, Norfolk, cordwainer, Jan. 11 at 3, County Court of Norfolk, at King's Lynn.—*Thomas Price* the younger, Cheddington, Buckinghamshire, assistant to a farmer, Jan. 16 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*Peter McKittrick*, Bradford, Yorkshire, grocer, Jan. 16 at 11, County Court of Yorkshire, at Bradford.—*Thomas Allen*, King's Lynn, Norfolk, surgeon, Jan. 11 at 3, County Court of Norfolk, at King's Lynn.—*Henry Bromwich*, Birmingham, in no business, Jan. 16 at 2, County Court of Warwickshire, at Warwick.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 13 at 10, before the CHIEF COMMISSIONER.*

*Wm. Grace* the younger, Melbourne-place, Old Kent-road, Surrey, cheesemonger.—*Richard Mills*, Milton-st., Dorset-square, St. Marylebone, Middlesex, out of employment.—*Edwin Frederick Malcolm*, William-place, Queen-street, Hammermith, Middlesex, out of employ.

*Jan. 14 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Poulton*, Gingell's-terrace, King's-road West, Chelsea, Middlesex, builder.—*Jas. Jonathan Thornley*, Pratt-street, Camden-town, Middlesex, attorney.

*Jan. 16 at 10, before the CHIEF COMMISSIONER.*

*William Peake*, Chapel End, Walthamstow, Essex, millwright.—*Walter Stewart*, Clarendon-square, Somers-town, Middlesex, general-shop keeper.

*Jan. 16 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Eley*, Woodland-cottages, Kentish-town, Middlesex, carrier.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 13 at 10, before Mr. Commissioner MURPHY.*

*Francis Allen*, St. Martin's-le-Grand, London, bookseller.—*Marcus Bain*, Hampstead-st., Fitzroy-square, Middlesex, out of business.—*John Grice*, Mount-st., Marsh-gate, Lambeth, Surrey, wheelwright.

*Jan. 14 at 11, before Mr. Commissioner PHILLIPS.*

*Felix Wm. Lankton*, South-end, Croydon, Surrey, architect.—*Joseph Bull*, The Oval, Hackney-road, Middlesex, merchant's clerk.

*Jan. 16 at 10, before the CHIEF COMMISSIONER.*

*John Cranbrook Gregory*, Upper Stamford-st., Waterloo-road, Lambeth, Surrey, lodging-house keeper.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Berkshire, at READING, Jan. 12.*

*Henry Henly*, Coleshill, farm bailiff.—*Arthur J. Hughes*, Old Windsor, of no profession.

*At the County Court of Essex, at CHELMSFORD, Jan. 12 at 12.*

*George Clarke*, North Ockendon, cattle dealer.

*At the County Court of Suffolk, at IPSWICH, Jan. 13 at 10.*

*Wm. H. Dowse*, Holford-square, Pentonville, Middlesex, barrister-at-law.—*Robert Boning*, Great George-street, Westminster, Middlesex, office keeper.—*John Markwell* the elder, Woodbridge, basket maker.

*At the County Court of Kent, at DOVER, Jan. 23 at 11.*

*Asdrubal Hawkins*, Dover, painter.

*At the County Court of Durham, at DURHAM, Jan. 13.*

*Thomas Nathaniel Meggison*, Whickham and Tanfield, doctor of medicine.—*Joseph Sharp*, Gisborough, out of business.

*At the County Court of Warwickshire, at COVENTRY, Jan. 18 at 12.*

*Wm. Harris Spicer*, Dudley, Worcestershire, hatter.—*W. Yardley Pitt*, Willenhall, Staffordshire, file manufacturer.—*Chas. Singleton*, Birmingham, baker.—*W. Dodd*, Nuneaton, out of business.—*Wm. Sandland*, Birmingham, cigar dealer.—*Henry Williams*, Birmingham, retailer of ale.—*Wm. H. Jones*, Birmingham, shoemaker.—*Thomas Portwine*, Birmingham, soda-water manufacturer.

*At the County Court of Northumberland, at MORPETH, Jan. 22 at 10.*

*Matthew Douglas*, Alnwick, draper.

## TUESDAY, JANUARY 3.

## BANKRUPTS.

**WILLIAM BURNETT ANDERSON**, Billiter-street, Leadenhall-st., London, merchant, dealer and chapman, Jan. 12 at 1, and Feb. 17 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Jacobs & Forster, 6, Crosby-square, London.—Petition dated Dec. 23.

**THOMAS WARD**, Goswell-st., Middlesex, hosier, dealer and chapman, Jan. 11 at 2, and Feb. 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Thompson, 18, Sise-lane, London.—Petition filed Dec. 30.

**EDWARD THOMAS LODGE**, Throgmorton-st., London, stock and share broker, dealer and chapman, Jan. 11 at half-past 12, and Feb. 22 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrance & Co., Old Jewry-chambers, London.—Petition dated Dec. 23.

**WILLIAM SIMS**, Redruth, Cornwall, linendraper, Jan. 12 and Feb. 9 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Peter, Redruth; Stogdon, Exeter.—Petition filed Dec. 31.

**EDWARD HALL**, Cross Hills, near Keighley, Yorkshire, and Burnley, Lancashire, tailor and draper, dealer and chapman, Jan. 17 and Feb. 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Lees & Humble, Bradford; Bond & Barwick, Leeds.—Petition dated Dec. 16.

**JOHN HOWITT**, Sheffield Moor, near Sheffield, Yorkshire, draper, dealer and chapman, Jan. 14 and Feb. 11 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Sale & Co., Manchester; James & Co., Leeds.—Petition dated Dec. 19.

**EDWARD SUMNER**, Waterloo, near Liverpool, licensed victualler and innkeeper, Jan. 11 and Feb. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Atkinson, Liverpool.—Petition filed Dec. 29.

**GEORGE PEARSON**, Birkenhead, Cheshire, grocer, provision dealer, dealer and chapman, Jan. 11 and Feb. 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Bretherton, Liverpool.—Petition filed Dec. 29.

**JOHN GRAY**, Hulme, Manchester, butcher and contractor, Jan. 17 and Feb. 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Partington, Manchester.—Petition filed Dec. 29.

**RICHARD BROWNLOW**, Ardwick, Manchester, gum and starch manufacturer, dealer and chapman, Jan. 20 and Feb. 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Kershaw & Bullock, Manchester.—Petition filed Dec. 29.

## MEETINGS.

*Joseph Greenwood*, Spring Head, Keighley, Yorkshire, woolstapler, Jan. 27 at 11, District Court of Bankruptcy, Leeds, pr. d.—*Robert Sorton Parry*, Leadenhall-street, London, bookseller, Jan. 17 at 1, Court of Bankruptcy, London, last ex.—*Mary Ann Thomas* and *William Thomas*, Upper King-street, Bloomsbury, and Green-street, Theobald's-road, Middlesex, builders, Jan. 20 at 12, Court of Bankruptcy, London, last ex.—*R. Bailey* the younger, Hastings, Sussex, tailor, Jan. 17 at 1, Court of Bankruptcy, London, aud. ac.—*Sarah Chabbon*, Cambridge and Stapleford, Cambridgeshire, newspaper proprietress, Jan. 26 at 12, Court of Bankruptcy, London, aud. ac. and div.—*C. Seagrim*, Winchester, Southampton, solicitor, Jan. 16 at 12, Court of Bankruptcy, London, aud. ac.; Jan. 25 at half-past 11, div.—*Francis English*, Manchester, power-loom cloth manufacturer, Jan. 16 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Robert Thormen*, Newcastle-upon-Tyne, engine builder, Jan. 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 26 at 12, div.—*John Hall*, Newcastle-upon-Tyne, corn factor, Jan. 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 26 at 11, div.—*Robert Nelson*, *Mary Nelson*, and *Robt. Nelson* the younger, Darlington, Durham, provision merchants, Jan. 24 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 26 at 1, fin. div.—*Francis Wood Harris*, Hatton-garden, Middlesex, general hardware factor, Jan. 24 at 11, Court of Bankruptcy, London, fin. div.—*John Lamont*, *John David Stewart*, and *John Maltravers*, Skinner-street, Bishopsgate, London, brewers, Jan. 24 at 11, Court of Bankruptcy, London, fin. div. sep. est. of *J. Maltravers*.—*Richard*

*Penistan*, Staverton-row, Walworth, Surrey, draper, Jan. 25 at half-past 12, Court of Bankruptcy, London, div.—*Charles Jacob*, Ingram-court, Fenchurch-street, London, merchant, Jan. 25 at 12, Court of Bankruptcy, London, div.—*Thomas Ballard*, Southwick-place, Paddington, Middlesex, apothecary, Jan. 28 at 1, Court of Bankruptcy, London, div.—*W. Scammell*, Old Brentford, Middlesex, shoemaker, Jan. 24 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thos. Crook*, Preston, Lancashire, manufacturer, Jan. 26 at 12, District Court of Bankruptcy, Manchester, fin. div.—*John Stock* the elder and *Wm. Stock*, Ashton in Mackerfield, Lancashire, coal proprietors, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, div.—*William Rainford*, Liverpool, upholsterer, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, div.—*Geo. Pryde*, *David Jones*, and *John Gibb*, Liverpool, sailmakers, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, div.—*Richard Bell* and *George William Campbell*, Liverpool, merchants, Jan. 24 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Palmer*, Hove, Brighton, Sussex, builder, Jan. 25 at 12, Court of Bankruptcy, London.—*John Ker*, Gloucester, draper, Jan. 24 at 11, District Court of Bankruptcy, Bristol.—*Isaac Fineberg*, Manchester, jeweller, Jan. 24 at 12, District Court of Bankruptcy, Manchester.—*Douglas Bradbury*, Derby, builder, Jan. 27 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*James Laing*, Southampton, coal merchant.—*Thos Fowry*, Hartlepool, Durham, grocer.—*G. W. Mortimer*, Bury, Lancashire, silk dyer.—*S. Crute*, Liverpool, slater.

## PARTNERSHIPS DISSOLVED.

*Thos. Tilson*, *Wm. Clarke*, and *David S. Morrice*, Coleman-street, London, attorneys and solicitors.—*Wm. Hope Whidley Burrell* and *Herrmann Lang*, Serjeant's-inn, Fleet-street, London, solicitors.—*Benjamin Lovibond* and *John Hawley Bingham Carlsake*, Bridgewater, Somersetshire, attorneys-at-law.

## SCOTCH SEQUESTRATIONS.

*Allan Rodgers*, deceased, Middle and South Ledaig, Argyllshire, farmer.—*Wm. Ogilvie*, Grantown, bank agent.—*Millie & Wardrop*, Lanark, contractors.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Mole*, Odell, Bedfordshire, tailor, Jan. 19 at 10, County Court of Bedfordshire, at Bedford.—*Wm. Taylor*, Birmingham, grocer, Jan. 28 at 10, County Court of Warwickshire, at Birmingham.—*James Wells*, Birmingham, shoemaker, Jan. 28 at 10, County Court of Warwickshire, at Birmingham.—*J. R. Phillips*, Birmingham, surgeon, Jan. 28 at 10, County Court of Warwickshire, at Birmingham.—*E. J. Knight*, widow, Wiggin's-hill, Warwickshire, out of business, Jan. 28 at 10, County Court of Warwickshire, at Birmingham.—*J. Lees*, Birmingham, cooper, Jan. 28 at 10, County Court of Warwickshire, at Birmingham.—*A. Ryder*, Manchester, porter, Jan. 23 at 12, County Court of Lancashire, at Manchester.—*George Humphries*, Manchester, professor of music, Jan. 23 at 12, County Court of Lancashire, at Manchester.—*Thomas J. Harvey*, Madeley, Shropshire, licensed victualler, Jan. 21 at 10, County Court of Shropshire, at Madeley.—*James Onions*, Madeley, Shropshire, baker, Jan. 21 at 10, County Court of Shropshire, at Madeley.—*Robert H. Bullen*, Southsea, Southampton, paymaster of the Royal Navy on half-pay, Jan. 27 at 11, County Court of Hampshire, at Portsmouth.—*Thomas Lawrence*, Neithrop, Banbury, Oxfordshire, shoeing smith, Jan. 24 at 12, County Court of Oxfordshire, at Banbury.—*John G. Lelliott*, Derby, coal merchant, Jan. 21 at 12, County Court of Derbyshire, at Derby.—*John Wilkinson*, Bradford, Yorkshire, stonemason, Jan. 16 at 11, County Court of Yorkshire, at Bradford.—*Francis Simonds*, Frome, Somersetshire, attorney-at-law, Jan. 11 at 11, County Court of Somersetshire, at Frome.—*Herbert M. Humphries*, Bath, Somersetshire, milliner, Jan. 21 at 11, County Court of Somersetshire, at Bath.—*Joseph Deacon*,

lath, Somersetshire, porter, Jan. 14 at 11, County Court of Somersetshire, at Bath.—*John Gollidge*, Cardiff, Glamorganhire, dealer in fish, Jan. 20 at 10, County Court of Glamorganhire, at Cardiff.—*James Dugmore*, Cardiff, Glamorganhire, beer-house keeper, Jan. 20 at 10, County Court of Glamorganhire, at Cardiff.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 18 at 10, before Mr. Commissioner MURPHY.*

*Edward B. Lovell*, New-square, Lincoln's-inn, Middlesex, and Plowden's-buildings, Middle Temple, London, barrister-at-law.—*James P. Bailey*, Surrey-place, Lower Queen-street, Rotherhithe, Surrey, out of business.—*Darwin H. Scott*, Lower Marsh, Surrey, boot dealer.—*John Jones*, Horselydown-lane, Tooley-street, Southwark, Surrey, out of business.—*George Kennedy*, John-street, Webb-street, St. Thomas-street, Southwark, Surrey, chair maker.—*Mary Ann Cann*, spinster, Lower Marsh, New-cut, Lambeth, Surrey, assistant to an eating-house keeper.—*John Jacobs*, Bury-street, St. Mary Axe, London, general dealer.

*Saturday, Dec. 31.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*R. Sykes*, Mirfield, near Dewsbury, Yorkshire, butcher, No. 77,258 C.; *Edward Sykes*, assignee.—*Wm. H. Thorne*, Barnstaple, Devonshire, grocer, No. 75,856 C.; *John How*, assignee.

*Saturday, Dec. 31.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*George Soper*, Great Guildford-street, Blackfriars, Surrey, linendraper: in the Debtors Prison for London and Middlesex.—*Samuel Isaac*, Pickering-mews, Bishop's-road, Paddington, Middlesex, fire-wood cutter: in the Debtors Prison for London and Middlesex.—*John Philip Newman*, Great Queen-street, Lincoln's-inn-fields, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Edmund Page*, Tatchbrook-street, Pimlico, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*George Brown*, Slough, Buckinghamshire, out of business: in the Debtors Prison for London and Middlesex.—*John B. Cash*, Cannon-street, St. George's-in-the-East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Milligan*, Dover-road, Southwark, Surrey, collector of debts: in the Gaol of Surrey.—*Charles A. Mortimer*, Duke-street, Grosvenor-square, Middlesex, not in any business: in the Queen's Prison.

*(On Creditor's Petition).*

*Wm. P. Carter*, Charles-street, Manchester-square, Middlesex, barrister-at-law: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*Thomas Kirtley*, Tottenham-court-road, Middlesex, linendraper: in the Gaol of Maidstone.—*Mark Briggs*, Manches-

ter, out of business: in the Gaol of Lancaster.—*J. France*, Blackburn, Lancashire, ginger beer manufacturer: in the Gaol of Lancaster.—*Samuel Schofield*, Oldham, Lancashire, beer-seller: in the Gaol of Lancaster.—*Jehu Baker* the elder, Birmingham, bailiff: in the Gaol of Warwick.—*E. Fearn*, widow, Longton, Staffordshire, assistant to a grocer: in the Gaol of Stafford.—*John Gallagher*, Wolverhampton, Staffordshire, licensed retailer of ale: in the Gaol of Stafford.—*J. Hassall*, Longton, Staffordshire, potter: in the Gaol of Stafford.—*John Shaw*, Tunstall, Wolstanton, Staffordshire, potter: in the Gaol of Stafford.—*John Sorby*, Sheffield, Yorkshire, commercial traveller: in the Gaol of York.—*Thomas Harris*, Burghclere, near Newbury, Southampton, farmer: in the Gaol of Winchester.—*Roger C. Miller*, Bramerton, near Norwich, Norfolk, dealer in cattle: in the Gaol of Norwich.—*James Stearn*, Cambridge, tailor: in the Gaol of Cambridge.—*N. Bracegirdle*, Carnarvon, ship smith: in the Gaol of Carnarvon.—*Thomas Cousins* the younger, Bluntisham, Huntingdonshire, farmer: in the Gaol of Huntingdon.—*W. Milton*, Lincoln, wire worker: in the Gaol of Lincoln.—*Wm. Cross*, Little Bolton, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 17 at 10, before Mr. Commissioner MURPHY.*

*Henry Young*, Hackney-road, Middlesex, chessesemonger.

*Adjourned Hearing.*

*Jan. 18 at 10, before the CHIEF COMMISSIONER.*

*Richard Pridmore*, Trigon-terrace, Kennington, Surrey, exhibitor at the Linwood Gallery, Leicester-square.

*Jan. 19 at 11, before Mr. Commissioner PHILLIPS.*

*John Freeman*, Great James-street, Bedford-row, Holborn, Middlesex, out of employ.—*George T. Norris*, Dudley-street, Broad-street, Bloomsbury, Middlesex, pattern-book maker.—*James W. Giles*, Aldersgate-street, London, haberdasher.—*James Clark*, Bromella-road, Clapham, Surrey, shopman to a grocer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, Jan. 11 at 10.*

*John Shaw*, Tunstall, Wolstanton, potter.

*At the County Court of Devonshire, at EXETER, Jan. 17 at 10.*

*W. A. H. Arundell*, Esq., Lifton.

*At the County Court of Warwickshire, at COVENTRY, Jan. 18 at 12.*

*Richard Rathborne*, Rugby, railway post-office clerk.

*At the County Court of Carnarvonshire, at CARNARVON, Jan. 19 at 10.*

*Nehemiah Bracegirdle*, Carnarvon, ship smith.

*At the County Court of Derbyshire, at DERBY, Jan. 21 at 12.*

*James Haughton*, Simmondly, Glossop, nurseryman.—*G. Gregory*, Woodthorpe, Northwinfield, farmer.

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